

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129053/LP/2021

Date registered valid: 8 January 2021

Proposal: Certificate of Proposed Lawful development for the erection of a single storey outbuilding

Address: 12 Bowker Bank Avenue, Manchester, M8 4LF

Ward(s): Crumpsall Ward

Applicant: Mr Majed Hussain 12 Bowker Bank Avenue, Manchester, M8 4LF

Agent (if any): Mrs Magdalena Haener Pride Road Manchester South 110 Great Stone Road, Manchester, M16 0HD

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 March 2021

Application details

Type of application: Certificate Lawful Developmnt Proposed

Development type: Certificates of lawfulness

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application property relates to a two storey brick built property on a culdesac located in the Crumpsall area of North Manchester.

Description of Development

The submitted application seeks a certificate of Proposed Lawful development for the erection of a single storey outbuilding.

Consultations & Notification Responses

No consultations are required for this type of application

Issues

Legislation

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)

(England) Order 2015:

- Class E - Permitted development - Buildings etc incidental to the enjoyment of a dwellinghouse.

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse

Assessment

The proposed outbuilding would have a maximum width of 5.9 metres and depth of 6 metres and would be sited approximately 0.3 metres from the shared boundary with the neighbouring property no. 10 Bowker Bank Avenue and 2.3 metres from no. 14 Bowker bank. The outbuilding would be located in the rear garden of the property and would not be forward of any land forming the principal elevation.

The submitted plan show that the maximum height of the proposed outbuilding would be 2.5 metres above the natural existing ground level and part of the outbuilding would be dug into the natural slope of the garden.

The footprint of the outbuilding, would not occupy over 50% of the original curtilage of the dwellinghouse.

The materials include metal cladding and a sebum roof.

The application site is not located with an area of outstanding natural beauty, the Broads, a National Park; or a World Heritage Site.

The proposal complies with the criteria set out in the General Permitted Development Order (2015) for class E.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Approve on the basis that proposal detailed within the submitted application form and on drawings numbered 01, 02, 03, 04 & 200, received on 08 January 2021 and drawings numbered 220 Rev A and 211 Rev A, received on 01 March 2021 constitute permitted development as prescribed by Schedule 2, Part 1, Class E of the Town and Country (General Permitted Development) Order 2015 (as amended).

2) The outbuilding subject to the certificate of lawfulness hereby granted shall only be used for purposes incidental to the enjoyment of the occupiers of the main dwellinghouse at 12 Bowker Bank Avenue only and shall not be used as a self-contained unit or separate dwellinghouse at any time.

Reason - To prevent any over intensive use of the property and to safeguard the amenity of neighbouring residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1