

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128656/LP/2020

Date registered valid: 20 November 2020

Proposal: Certificate of lawful proposed development for the erection of a single storey front porch

Address: 103 Minehead Avenue, Manchester, M20 1EP

Ward(s): Old Moat Ward

Applicant: Miss Liu 103 Minehead Avenue, Manchester, M20 1EP

Agent (if any): Mr Gooding LDM Surveyors LDM House, 46 Great Ancoats Street, Manchester, M4 5AB

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 January 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: None Required

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

Description of site/building

The application site relates to a two-storey semi-detached property brick built in a traditional interwar style with a pitched roof.

The property is located on a corner of Minehead Avenue and Lynmouth Avenue and therefore has a wider triangular plot that tapers at the front.

There have been no previous planning applications at this site.

Listed building: Not applicable

Conservation area: The application site is not located within the Conservation Area

Tree Preservation Order: There are no tree preservation orders at this site.

Description of area

The area is predominantly residential in nature comprising of similar designed properties.

Description of development

The applicant is seeking a certificate of lawful proposed development for the erection of a single storey front porch.

Consultations & Notification Responses

Not applicable.

Issues

The proposed porch will be assessed under the criteria laid out within Part 1, Class D of the Town and Country (General Permitted Development) Order 2015 (as amended) - the relevant legislation when determining alterations to the roof of a dwellinghouse .

The Town and Country Planning (General Permitted Development) (England) Order 2015
Class D – Porches

Development not permitted

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

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Complies [✓] – Original Dwellinghouse and not created by Class M, N, P or Q of Part 3

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

Complies [✓] – The proposed porch has a width of 2 metres and a length of 1.5 metres and therefore has an external ground area of 3 square metres.

(c) any part of the structure would be more than 3 metres above ground level; or

Complies [✓] – The proposed porch has a height of 3 metres.

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.; or

Complies [✓] – No part of the porch would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies [✓] – Original Dwellinghouse and not built Part 20 of this Schedule

Conclusion - As demonstrated above the proposed porch meets all the criteria and limitation and constitutes permitted development in accordance with Part 1, Schedule 2, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 the proposed front porch as detailed on the submitted drawing PS102 Rev E, PS202 Rev E, PS302 Rev E and PS402 Rev E stamped as received by the City Council as Local Planning Authority, on the 29.12.2020, constitutes permitted development in accordance with Part 1, Schedule 2, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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 Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH