MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127618/LP/2020
Date registered valid:	31 July 2020
Proposal:	Certificate of Lawful Proposed Development - Erection of a single-storey rear extension and installation of a window to side elevation
Address:	6 Leaburn Drive, Manchester, M19 1SD
Ward(s):	Burnage Ward
Applicant:	Mr & Mrs Constable, 6 Leaburn Drive, Manchester, M19 1SD
Agent (if any):	Mr Mike Stubbs, Studio39 Via Vasco Peloni, 34, 51016, Montecatini Terme (PT), Italy
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: r.griffin@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	**18.09.2020**

Application details

Type of application: Certificate Lawful Develpmnt Proposed

Development type: Certificates of lawfulness

Date of site visit: None required

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 6 August 2020 Expired: 27 August 2020

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application property is a two storey quasi-semi detached residential dwelling house with an existing conservatory to the rear and comprises front, side and rear external private amenity space at the head of a cul-de-sac.

The proposals are for the erection of a single storey rear extension measuring 3 metres in its rearward projection,3.09 metres in maximum height and 2.4 metres to eaves. The materials indicated on the drawings are to match the existing property.

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended sets out the permitted development rights for householders. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

Class A - enlargement, improvement or alteration
This provides permitted development rights for the enlargement, improvement or other alteration of a house.
Under Class A the following limits and conditions apply:

A.1 Development is not permitted by Class A 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);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height
of the highest part of the roof of the existing dwellinghouse;
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
(h) the enlarged part of the dwellinghouse would have more than a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged
which is opposite the rear wall of that dwellinghouse
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage
of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse;
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
(k) it would consist of or include—
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse.; or
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions
A.3 Development is permitted by Class A subject to the following conditions—
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposals are for a rear extension to a property . The extension does not result in more than 50% of the curtilage of the property being covered by buildings; the extension is within 2 metres of the curtilage of the boundary with number 4 Leaburn Road but the eaves of the extension do not exceed 3 metres. The rearward projection of the extension is 3 metre and it is indicated that the extension would be of brick construction to match the existing house. It is therefore considered that the proposal as set out on the submitted drawings is permitted development under Class A of the Town and Country Planning General Permitted Development Rights 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 polices 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

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

1) Approve on the basis that the proposed single storey rear extension as detailed on the submitted drawing PL-001 received by the City Council as Local Planning Authority on the 31st July 2020, constitutes permitted development in accordance with Part 1, Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Appendix 1 – List of consultees & neighbours notified

17 Greenacres Drive, Manchester, M19 1SB
15 Greenacres Drive, Manchester, M19 1SB
11 Greenacres Drive, Manchester, M19 1SB
19 Greenacres Drive, Manchester, M19 1SB
13 Greenacres Drive, Manchester, M19 1SB
1 Greenacres Drive, Manchester, M19 1SB
13 Leaburn Drive, Manchester, M19 1SD
4 Leaburn Drive, Manchester, M19 1SD
3 Leaburn Drive, Manchester, M19 1SD
7 Greenacres Drive, Manchester, M19 1SB
5 Greenacres Drive, Manchester, M19 1SB
29 Holmside Gardens, Manchester, M19 1WR
1 Erica Drive, Manchester, M19 1NP
11 Leaburn Drive, Manchester, M19 1SD
3 Erica Drive, Manchester, M19 1NP
9 Leaburn Drive, Manchester, M19 1SD
7 Leaburn Drive, Manchester, M19 1SD
5 Leaburn Drive, Manchester, M19 1SD
2 Leaburn Drive, Manchester, M19 1SD
9 Greenacres Drive, Manchester, M19 1SB
3 Greenacres Drive, Manchester, M19 1SB
2 Greenacres Drive, Manchester, M19 1SB
30 Holmside Gardens, Manchester, M19 1WR

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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH