MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126820/LP/2020
Date registered valid:	1 May 2020
Proposal:	Certificate of proposed lawful development for the installation of rear dormer to main roof and rear outrigger
Address:	54 Brailsford Road, Manchester, M14 6PU
Ward(s):	Fallowfield Ward
Applicant:	MR Dan Strain Nicholas Humphreys 323 Wilmslow Road , Manchester, M14 6NW
Agent (if any):	Mr John Albutt PZvi Architects & Designers Ltd. 47A Park Lane, Poynton, Stockport, SK12 1RD
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: c.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 May 2020

Application details

Type of application: Certificate Lawful Develpmnt Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The proposal relates to a 2-storey mid-terrace house comprising red-brick elevations and a grey slate roof. The house is located in a residential area, it is constructed to the back of pavement and incorporates a walled rear yard. The existing roof configuration has ridge line running from west to east. The southern elevation comprises a 2-storey rear outrigger with a hipped pitched dormer. The main ridge has a maximum height of 8.5 metres. The 2- storey outrigger has a ridge line height of 7.7 metres. An external store is located within the yard area. The applicant has indicated that the property is occupied as Class C3 Dwellinghouse.

Description of development

The proposals involves the formation of a flat roof rear extension spanning the width of the southern roof plane. The extension would have dimensions of: 1.89 metres (h) x 3.25 metres (l) x 4.7 metres (w). It the southern elevation main extension would be adjoined by a second element projecting outwards along the roof of the outrigger (forming an L-shape). The secondary extension would have dimensions of 2.4 metres (height) x 3.9 metres (length) x 2.8 metres (wide). Both roof extensions would be offset from the eaves by 200 mm. The development would have an overall volume of 27.51 cu metres. The extensions would form a bathroom and additional bedroom (4 bedrooms in total).

The main dormer would incorporate a bedroom window and high level landing window in its rear (southern) elevation. The secondary extension over the 2-storey outrigger would have bathroom windows to the side and rear elevations. The proposed external elevations would comprise of vertically hung matching grey slate effect roof tiles. The front (north) roof plane would incorporate a pair of windows (roof lights).

Consultations & Notification Responses

N/A

Issues

Proposed Development - Has been considered with regard to the following:

1. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Permitted development rights Part 1: Class B Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

i. No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
ii. No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
iii. The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than:
a. 40 cubic metres in the case of a terrace house, or
b. 50 cubic metres in any other case;
iv. It would not consist of or include
a. The construction or provision of a verandah, balcony or raised platform, or
b. The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
c. The dwellinghouse is not on article 2(3) land.

The above is conditional upon the following:

a. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
b. The enlargement would be constructed so that:
i. The eaves of the original roof are maintained or reinstated; and
ii. The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
c. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;
d. Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be obscure-glazed and 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.

The proposed roof extension would meet all of the above criteria and conditions of Class B of the GPDO 2015 (as amended), including the condition relating to the use of similar materials.

2. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Permitted development rights Part 1: Class C - other alterations to the roof of a dwellinghouse

The proposed roof lights to the forward roof plane to Brailsford Road have been considered with regard to the following:

C.1 Development is not permitted by Class C 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
c. It would result in the highest part of the alteration being higher than the highest part of the original roof; or
d. It would consist of or include —
i. The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
ii. The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed front roof lights would be flush to the plane of the roof and therefore the requirements of Class C of the GPDO 2015 (as amended) would be met.

On this basis, the proposed roof extension would constitute permitted development.

Conclusion - It is considered that the proposals would constitute permitted development subject to conditions requiring.

i. The materials to be used of a similar appearance to the existing house, which is a requirement of Class B.
ii. Proposed bathroom windows be maintained with obscured glazing.

An informative has been included as a result of the introduction of an Article 4 Direction in Manchester, planning permission would be required to occupy the property as Class C4 (small scale HMO (Class C4).

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

Article 35 Declaration

In this case, negotiations with the applicant's agent were not required as the proposed works fully complied with the relevant criteria as set out in: The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Permitted development rights Part 1: Class A Permitted development - The enlargement, improvement or other alteration of a dwellinghouse: in this case a single storey rear extension to a dwellinghouse and Class C - other alterations to the roof of a dwellinghouse.

Condition(s) to be attached to decision for approval

1) The proposed rear roof extensions and windows to the front roof plane relating to 54 Brailsford Road, Manchester, M14 6PU as shown on the application forms and drawings stamped as received by the City Council as local planning authority on 30 April 2020, 1 May 2020 and 20 May 2020 and referenced:

Location plan with a red edge Ref: 734NR-PL-102
Existing floor plans Ref: 734NR-PL-103
Existing Elevations Ref: 734NR-PL-104
Proposed ground and first floor plans Ref: 734NR-PL-203
Proposed loft layout Ref: 734NR-PL-204 Rev B
Proposed Elevations Ref: 734NR-PL-205 Rev B
Proposed Elevations (West and East) Ref: NR734-PL-206
Section BB Ref: NR734-PL-207 Rev A
Material sample confirming use of Tapco Slate Classic Roof Tile (Grey)

constitutes permitted development in accordance with *The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Article 3, Permitted development rights, Part 1, Class B, Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof* and *Class C - other alterations to the roof of a dwellinghouse* and on the basis that bathroom and other windows so identified on the approved drawings shall be maintained with obscured glazing to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Informative

1) This decision relates to the extension or improvement of an existing dwellinghouse, falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not infer or imply approval for the use of the property for any other purpose.

Manchester City Council has made an Article 4 Direction to remove permitted development rights that allow for a change of use from Class C3 - Dwellinghouses to Class C4 - House in Multiple Occupation. This means that from 8 October 2011, planning permission is required for a change of use from a Dwellinghouse to a House in Multiple Occupation. Further information regarding the Article 4 direction can be found on Manchester City Council's website:

www.manchester.gov.uk/info/200074/planning/4847/article_4_direction

If you intend to use the property to which this decision relates for any purpose other than a dwellinghouse, you should first contact Manchester City Council's Planning Service. Failure to obtain any necessary planning permission prior to carrying out a material change of use or physical development could result in enforcement action being taken, which can have serious implications.

2) This certificate does not grant approval under Building Regulations.

Appendix 1 – List of consultees & neighbours notified

N/A

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
HS2 Phase 2b Safeguarding Zones - HS2 Phase 2B Safeguarding Zones (July 2017)
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2