

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126585/LP/2020

Date registered valid: 1 April 2020

Proposal: Certificate of Lawful Proposed Development - Erection of a single storey side extension, front porch, and rear dormer to form additional living accommodation

Address: 3 Riverbank Walk, Manchester, M20 2ZP

Ward(s): Didsbury West Ward

Applicant: Miss A Townsend 3 Riverbank Walk, Manchester, M20 2ZP

Agent (if any): Mr Jonathan Renshaw ebrdesigns.com Ltd 250 Church Road, Manchester, M41 6HD

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: j.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1st May 2020

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: photographs submitted with planning application

Standard consultations:

No consultations have been printed and sent. Non required for this type of application.

Neighbour notifications

No neighbour notifications have been printed and sent. Non required for this type of application.

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 property that is the subject of this Certificate of Proposed Lawful Development application is a red brick and render post war semi -detached dwellinghouse. It sits at an angle at the head of a pedestrianised walkway known as Riverbank Walk. There is no vehicular access to the property, with vehicles parking on the unrestricted highway. There is a large triangular green located to the frontage of the properties, and playing fields to the south east beyond that. The property is located within the west Didsbury ward of Manchester.

The property has garden area to three sides, with the rear garden being quite long and tapering towards the bottom.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature, interspersed with areas of green open space. The properties within the immediate area are of a similar age and design to the proposal site. The property is in use as a single family dwellinghouse.

Description of development

The applicant is requesting confirmation that the works proposed under the remodelling of the house would not require planning permission.

The proposals being assessed under this application are as follows:

i) single storey side extension- 1.8 m width by 6.15 m length by 2.62 m to eaves and 3.34 m maximum height.

ii) rear dormer extension to create additional accommodation within the loft space -10 cubic metres.

iii) Front porch- 2.4 metres width by 0.892 m depth giving a total of 2.14 square metres.

The materials to be used in all the proposed development would match those of the existing property.

Consultations & Notification Responses

No consultations are required for applications of this nature.

Issues

Policy relating to the single storey side extension:

Class 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 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;

(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;

Policy relating to the rear dormer extension:

Policy

The Town and Country Planning, Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 constitutes permitted development.

Class B - Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class B.1 - Development is not permitted by Class B if:-

- (a) Any part of the dwellinghouse does not exceed the height of the highest part of the existing roof;
- (b) Any part of the dwellinghouse does not, 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;
- (c) The cubic content of the resulting roof space does not exceed the cubic content of the original roof space by more than:
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (d) It would consist of or include:
 - (i) The construction or provision of a veranda, balcony or raised platform, or
 - (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (e) The dwellinghouse is on article 1(5) land.

Class B.2 - Development is permitted by Class B subject to the following conditions:-

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

This condition is intended to ensure that any addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials or match exactly. The visual impacts of the materials used will be the most important consideration.

The proposed dormer would have a volume of 10.0 m³ and would be constructed using materials to match the original roof. It would be of a flat roof construction and set down from the ridge of the original roof line, and is set in from the sides. This sits within condition B.2 bb) to Class B of the GPDO 2015 as amended. It is considered that the proposed dormer would meet the requirements of permitted development for the installation of a dormer as set out in Class B of schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended.

The single storey side extension would have a mono-pitch roof, with the highest part of the roof being where it adjoins the existing property. The maximum height to eaves 2.62 m maximum roof height 3.34 m. It would run alongside the existing side elevation at 6.15 m This therefore constitutes permitted development in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015

As neither the rear dormer roof extension nor the proposed single storey side extension breach any of the above restrictions, the certificate can be granted as the proposed development would be lawful as permitted development.

The proposed front porch when measured externally has a total of less than 3 square metres its proposed dimensions being 0.892 metres depth by 2.4 metres width and as such is also permitted development.

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:

Article 35 Declaration

Officers have worked with the Applicant / Agent in a positive and proactive manner in order to guide the Application through all stages of the Planning process, and have resolved issues that have arisen whilst dealing with the Planning Application. The application has been determined in a timely manner.

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

1) Approve on the basis that the proposed details, shown on the drawings numbered A0.1 Existing Floor plans, A0.2 Existing Elevations, A0.3 Proposed Ground Floor, A0.4 Proposed First Floor, A0.5 Proposed Loft Room all dated March 2020 and received by the City Council as Local Planning Authority on 7th April 2020, and A0.6 Proposed elevations received by email 30th April 2020 showing materials annotation, constitutes permitted development in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, and Schedule 2, Part 16, Class B of the GDPO 2015 (As amended)

Appendix 1 – List of consultees & neighbours notified

Non required

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
Area Team Boundary - Name: SOUTH