nineteen47
CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

HF/01/n1366

Head of Planning and Development Management
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Town Hall Extension
Mount Street Entrance
Albert Square
Manchester
M2 5DB

30th January 2020

Dear Sir/Madam

Section 192 Town and Country Planning Act 1990 Certificate of Lawfulness of Proposed Use or Development – 18 Beverly Road, Manchester, M14 6TD

nineteen47 is instructed on behalf of MRF Managing Trustee No.1 Limited and MRF Managing Trustee No.2 Limited as joint managing trustees of the Student Cribs Unit Trust II to prepare and submit an application under the provisions of Section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use or Development at 18 Beverly Road, Manchester, M14 6TD.

The Site

The Site comprises a two and a half storey terraced property located on Beverly Road located in the Fallowfield area of Manchester, to the south of the City Centre. The property is accessed from the front elevation facing onto Beverly Road and an enclosed yard which includes a shed is located at the rear.

The existing accommodation comprises a kitchen, living area and bedroom on the ground floor, two bedrooms and two bathrooms on the first floor and two further bedrooms on the second floor.

The property has been used for C4 purposes for many years.

Relevant Planning History

No planning history available for site.

The Proposals

The proposal involves the removal of the existing garden shed and development of a single storey extension to accommodate a kitchen, which will allow for reconfiguration of the ground floor accommodation to incorporate a bathroom and lounge/diner. The extension will measure 9 sqm.

Relevant Legislation

Section 192(1) of the Town and Country Planning Act 1990 states;

"If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question."

Section 192(2) of the Act goes on to state;

"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

Reasons for issuing a Certificate of Lawfulness

The application for a Certificate of Lawfulness is concerned only with whether the proposed rear extension within the curtilage of 18 Beverly Road comprises lawful permitted development.

Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 relates to 'Development within the curtilage of a dwellinghouse' and lists 10 stipulations in which a development will need to adhere to for it to comprise permitted development. The requirements are considered in turn below.

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);

Permission to use 18 Beverly Road has not been granted by virtue of Class M, N, P or Q of Part 3 of the aforementioned Schedule.

(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);

The proposed development involves the addition of a rear extension measuring 9sqm onto the property. The existing front and read curtilage of the property extends to 25.08sqm which will reduce to 16.08sqm with the extension. In view of the above, the total area of ground covered by buildings within the curtilage of the dwellinghouse will not exceed 50% of the total area of the curtilage.

(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;

The height of the extension will not exceed 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;

The eaves height of the dwellinghouse will not exceed the height of the eaves of the 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;

The extension will be located at the rear and will not extend beyond a principal elevation and/or front a highway and form a side elevation.

(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.

The extension will not extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

(g) 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 opposite the rear wall of the dwellinghouse;

The extension will be single storey and therefore the above requirement is not applicable.

(h) 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;

Whilst the extension will be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the extension will not exceed 3 metres.

(i) 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;

The extension will not extend beyond a wall forming a side elevation of the original dwellinghouse.

(j) 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.

The proposed extension will not consist of or include any of the above.

Summary

The application for a Certificate of Lawfulness seeks confirmation that the proposed rear extension comprises permitted development.

The proposed extension complies with the requirements of Part 1 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 and therefore it is considered that the Certificate of Lawfulness should be granted.

In support of this application the following information is included;

- Completed Application Forms
- Site Location Plan
- Existing Plans and Elevations
- Proposed Plans and Elevations
- Payment of the application fee of £103 to be made via the Planning Portal.

I trust that the above detail and submitted information is sufficient to validate the application but please do not hesitate to contact me if you would like to discuss further.

Yours faithfully



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