

Lawful Development Certificate

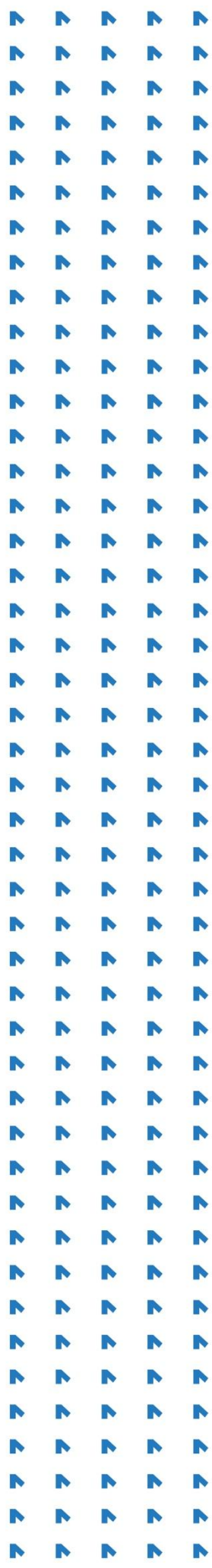
14 Abberton Road, Manchester

M20 1HU

Regulated by RTPI

May
2025

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1 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Nests Development Limited in support of an application for a Lawful Certificate of Proposed Use and Development ('CLOPUD') in relation to the above site (as identified in the site location plan enclosed within Section 2).
- 1.2 This application seeks a certificate to confirm that the property can be occupied lawfully as a Use Class C3(b) dwelling where specialist care is provided.
- 1.3 The statement addresses the following matters:
- 1) Site Description and Surroundings;
 - 2) Planning History;
 - 3) A detailed assessment of the Lawful Development Certificate case; and
 - 4) Conclusions.
- 1.4 The statement concludes that the proposals meet all relevant provisions of the Town and Country Planning (General Permitted Development) Order, do not require planning permission and a Lawful Development Certificate should therefore be granted.

2 SITE DESCRIPTION AND SURROUNDINGS

- 2.1 The site comprises a two storey semi-detached residential property positioned on the northern side of Abberton Road.
- 2.2 The immediate character of Abberton Road is considered residential in nature. Notably the site is located just 170 metres walk from the amenities of West Didsbury down Burton Road, including but not limited to supermarkets, hairdressers, public houses and restaurants amongst varied other commercial units. The site also benefits from lying just 690 metres walking distance from Withington Community Hospital. The site is therefore considered to be both highly accessible and sustainable.
- 2.3 As summarised within Section 3 of this Statement the property currently benefits from three extant planning permissions for various extensions and alterations, it is noted that the purpose of this Certificate of Lawful Proposed Use does not seek consent for any physical alterations to the site but is solely related to the proposed use of the property as a C3(b) dwellinghouse.
- 2.4 The site is not located within a Conservation Area, nor does it contain or lie adjacent to any statutory or locally listed building.
- 2.5 refer to the selection of site photos and images below and overleaf.



Image 1: Extract of the Site Location Plan demonstrating the relationship of the site with Abberton Road and Albemarle Avenue.



Image 2: Overhead view of the site facing north demonstrating the site's location at the junction of Abberton Road, Sandhurst Avenue and Albermarle Avenue.



Image 3: Photograph of the front elevation of the site as viewed from Abberton Road with No. 14 located to the right hand side.

3 PLANNING HISTORY

The Site

- 3.1 A number of historical planning applications have been made at the site over the years, three of which remain extant and are summarised in turn below.
- 3.2 Initially, an application (**Ref 136426/FH/2023**) was made for the erection of a single storey extension to the rear of the property to provide additional living accommodation, with associated elevation alterations – **Granted Approval 19th June 2023**. Please refer to the Decision Notice and Delegated Report enclosed at **Appendix 1 and 2 respectively**.
- 3.3 Subsequently, an application was made (**Ref 137519/LP/2023**) for the enlargement of a dwellinghouse with a rear dormer – **Granted Approval 27th September 2023**. Please refer to the Decision Notice and Delegated Report enclosed at **Appendix 3 and 4 respectively**.
- 3.4 Finally an application (**140018/FH/2024**) and subsequent appeal (**Ref APP/B4215/D/24/3352083**) was submitted for the erection of a single storey extension to the rear, hip to gable roof extension together with the installation of rear roof dormer to provide additional living accommodation. - **Granted Approval on Appeal 19th December 2024** Please refer to the Appeal Decision Notice enclosed at **Appendix 5**.

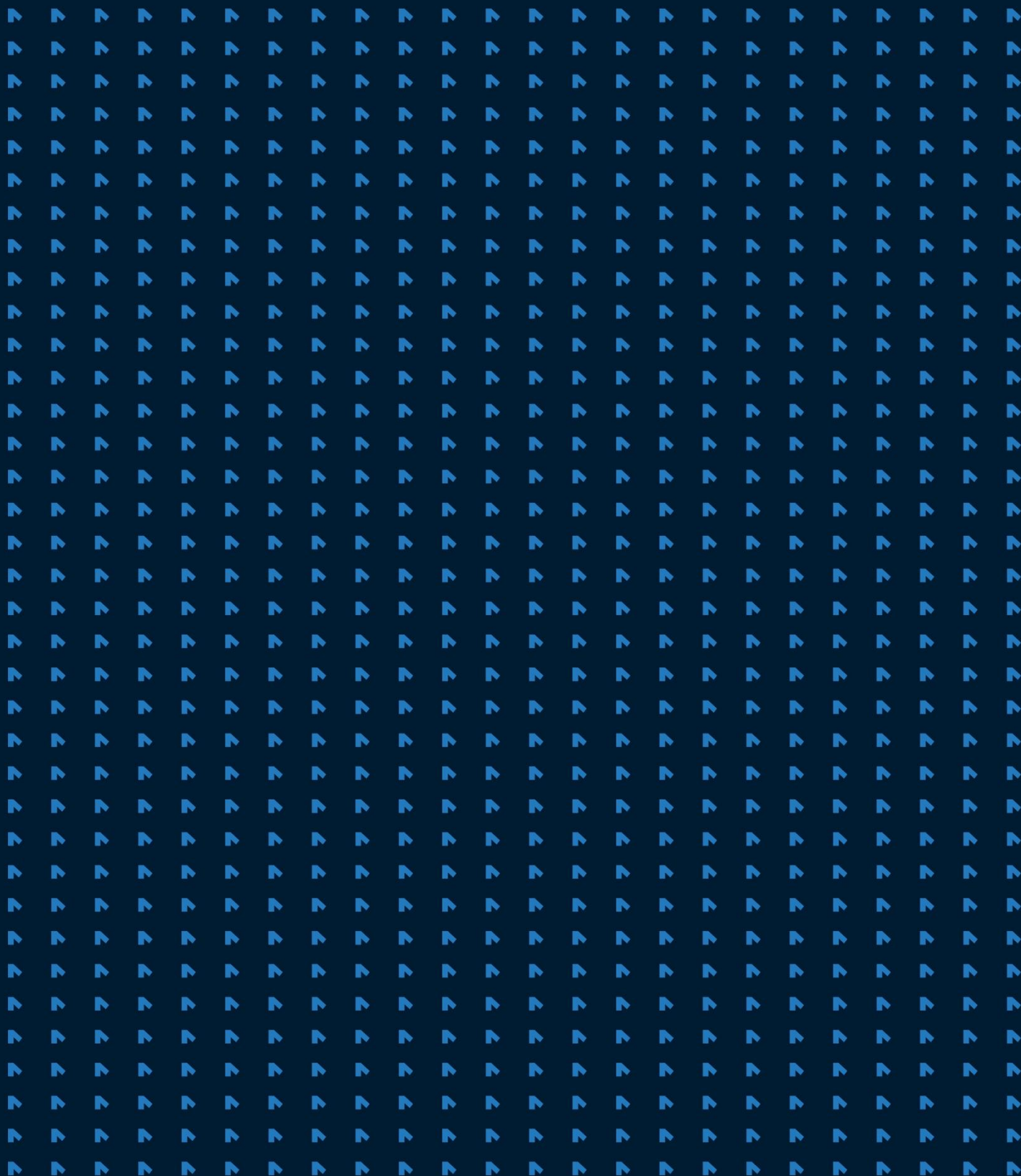
4 DETERMINATION OF THE CERTIFICATE

- 4.1 The Town and Country Planning (General Permitted Development) Order (as amended) provides that, where no more than six residents will live together as a single household where care is provided, the lawful use is Use Class C3(b).
- 4.2 In determining what 'care' comprises the Town and Country Planning (Use Classes) Order (as amended) defines care to be:
- "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or present mental disorder and in class C2 also includes the personal care of children and medical care and treatment".
- 4.3 The existing property on site has clearly been occupied since its construction as a Use Class C3 dwelling, as confirmed by the Council themselves in their assessment of applications **Ref 136426/FH/2023, Ref 137519/LP/2023** and appeal **Ref APP/B4215/D/24/3352083** summarised within Section 3 of this Statement and evidenced by Council Tax records enclosed at **Appendix 6**.
- 4.4 It is confirmed as part of this Statement that the site is not subject to any restrictive Article 4 Direction or covenant restricting the use of the property as a C3(b) dwelling under the Town and Country Planning (General Permitted Development) Order.
- 4.5 Accordingly, it is our view that the site can be lawfully occupied as a Class C3(b) dwelling subject to the level of care provided at the site falling within the definition of the Town and Country Planning (Use Classes) Order.
- 4.6 As such, it is confirmed that the site will be operated by Next Steps (a registered care provider) as a facility for adults of working age who have additional care requirements including mental health and physical needs.
- 4.7 The occupants of the dwelling will operate as a household and be capable of undertaking regular household activities such as cooking, cleaning and laundry. The objective of the facility is to promote independence and increase skills for occupants with a clear care pathway to independence.
- 4.8 As a result Next Steps operates active care 'doing with' rather than 'doing for' with every intervention personalised to the needs of the individual, which in turn varies daily. Residents are encouraged to build life skills and increase their confidence rather than have reliance on staff members.
- 4.9 To achieve this a positive 'now and next' approach is utilised to help with sequencing, structure and support. Input is provided from all residents in any decision which may affect them at the earliest possible time.
- 4.10 Residents are encouraged to engage with the local community and attend all appointments, where possible, away from the site in order to continue a traditional family setting.
- 4.11 The occupants will be aided by four health care assistants during the day supported in turn by a clinical lead and registered Mental Health Nurse manager. Additionally, one staff member will be present on-site throughout the night.

- 4.12 Should specific shift times be required by the Council to ensure an appropriate handover period this information may be provided at Council request during the assessment period. In a similar manner, should any further information be required on Next Steps' care structure, this may be provided at the Council's request during the assessment stage.
- 4.13 Prior to the submission of this CLOPUD application Next Steps have been in continued dialogue with both Greater Manchester Mental Health Foundation Trust and Manchester City Council Mental Health Commissioning Team to establish the requirements of the facility in the same manner as other Next Steps facilities in the North West to ensure a coordinated approach is undertaken confirming both a demonstrable need for the facility, and its scope.

5 CONCLUSIONS

- 5.1 In summary, this application submission demonstrates that the property can be lawfully occupied as a Class C3(b) dwelling for up to six people living together as a single household and receiving care, provided that occupants can function as a household.
- 5.2 In light of the above, it is respectfully requested that a Lawful Development Certificate for the proposed use and development of the property is granted.



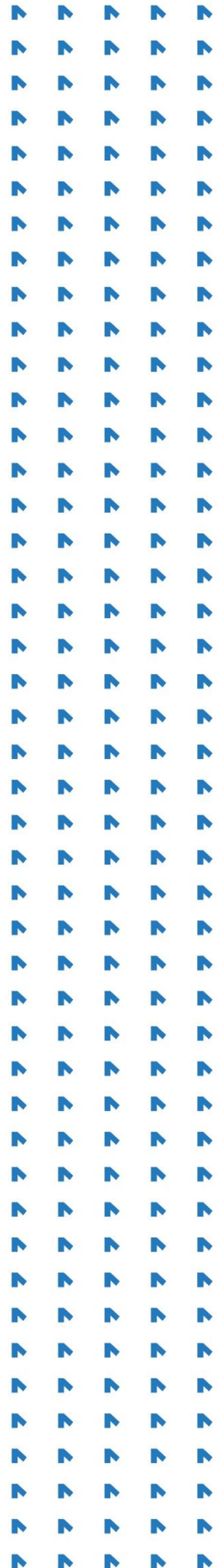
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Core
Brown Street
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M2 1DH

Appendix 1



Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Kristian Sparrow
Nest Developments Ltd
115a Lapwing Lane
Manchester
M20 6UR

Agent (if used)

Ms Susie Morris
Prospetti
The Studio Moss Lodge
Moss Lane
Mere
WA16 0TA

Part 1 – Particulars of the application/development

Proposal: Erection of a single storey extension to the rear of the property to provide additional living accommodation; with associated elevational alterations

Location: 14 Abberton Road, Manchester, M20 1HU

Date of application: 24 April 2023

Application number: 136426/FH/2023

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Condition(s) attached to this decision

0) The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions are attached to the approval granted.

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

oApplication for Planning Permission for works or extension to a dwelling, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
oDrawing- Proposed- Floor Plan, numbered 0001_B1_02_2200_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
oDrawing- Existing & Proposed- Elevation, numbered 0001_B1_04_2000_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
oDrawing- Location Plan, numbered 0001_B1_01_1200_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
oDesign & Access Statement, stamped as received by the City Council as Local Planning Authority on 7 March 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

5) The property shall not exceed 6 bedrooms in multiple occupation class C4 occupied by no more than six residents and no rooms shall be converted or sub divided to form additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the property or any increase in the number of occupants of the property.

Reason To ensure that the development is carried out in accordance with the approved plans pursuant to core Strategy policy H11.

Informatives

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.

This permission does not grant approval under Building Regulations.

Date: 19 June 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within 12 weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-householder-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

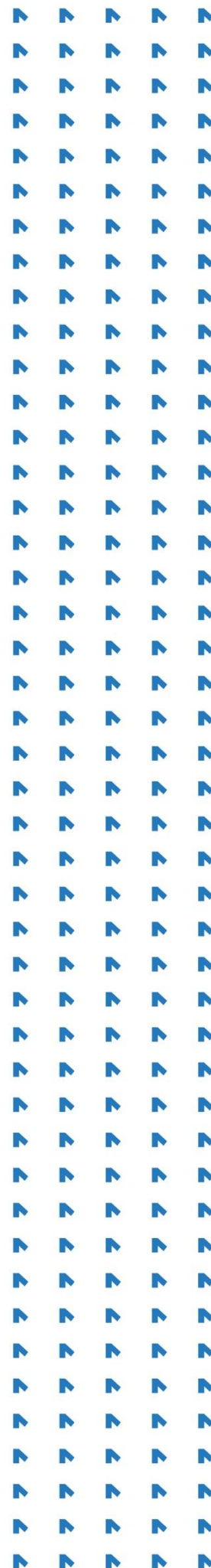
3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix 2



Planning

Growth & Development

Delegated officer report for planning application

Application no. 136426/FH/2023

Date registered valid: 24 April 2023

Proposal: Erection of a single storey extension to the rear of the property to provide additional living accommodation; with associated elevational alterations

Address: 14 Abberton Road, Manchester, M20 1HU

Ward(s): Old Moat Ward

Applicant: Mr Kristian Sparrow Nest Developments Ltd

Agent (if any): Ms Susie Morris, Prospetti

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 June 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 May 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 April 2023 Expired: 16 May 2023

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 application site relates to 14 Abberton Road within the Old Moat ward of south Manchester. The application site relates to a 1940s semi-detached, red brick/ white rendered, two storey dwellinghouse which has historically been used as an HMO, with 5 bedrooms. A two-storey extension with a single storey section has been added to the rear of the property over time. The property has off road parking which is sited within the front and side amenity space, and the site benefits from a detached garage. Amenity space to the rear is characterised by a grassed garden.

Description of development

The submitted application seeks planning permission for the erection of a single storey extension to the rear of the property to provide additional living accommodation; with associated elevational alterations.

The rear extension would key into the single storey rear extension at the property and create a new kitchen/dining room and living room. The existing living room would be changed to a bedroom, however the number of bedrooms in the property would still remain the same (5 bedrooms).

The proposal would have approximate dimensions of Height: 3.6 x Length: 6 x Width: 2 metres. The proposal would involve the insertion of a window within the rear elevation of the extension, plus elevational alterations to the existing property in the form of a door in the rear elevation of the newly formed living room and door from the newly formed bedroom. Two skylights would be inserted within the rear roof plane.

Materials to be used throughout the proposal would be brickwork (to match existing), concrete tiles (to match existing), dark grey UPVC double glazed windows (different to existing white UPVC double glazed windows) and dark grey UPVC doors (different to existing white UPVC doors).

Planning history

135586/PDE/2022- Prior notification of proposed larger home extension projecting 5.73m to the rear with a maximum height of 3.85m and a height at eaves of 3m.
Turned Away (Legislative)- 28 December 2022.

134098/FO/2022- Erection of single storey side and rear extension following demolition of garage to house in multiple occupation to create a new self-contained apartment with associated landscaping and new car parking and installation of rear dormer to existing house in multiple occupation.
Refused- 16 August 2022.

079542/FH/2006/S1- Erection of a first floor rear extension to form additional living accommodation.
Approved 10 July 2006.

Consultations & Notification Responses

Local residents

Local residents were consulted and two objections were received. Several planning considerations were discussed including:

- Use of the property as an HMO and impacts in terms of nuisance and noise. Concerns enlarging the living space could give rise to more parties and cause further disruption.
- Concerns the works could offer more bedrooms to more students and the negative impact this would cause in terms of parking.

However, it was noted one of the neighbours welcomed the general improvements to the property.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of Development

The submitted development application is for the erection of a single storey extension to the rear of the property to provide additional living accommodation. The extension would be for a historic HMO and although the communal living space would increase at the property, the number of bedrooms and occupants would not. As such, as the proposal would increase the quality of life for the residents, the principle of development is considered acceptable. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a five person HMO, it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The proposed rear extension would lock into the existing part single storey rear extension and would create a new living and kitchen/dining area. As such, additional built form would be sited closer to the neighbouring property, no.16 Abberton Road. However, due to the neighbour's built form as seen from site photographs, it would not impact the neighbour in terms of loss of light and adverse privacy implications. As the proposal would not extend as far as the neighbour's extension, they would not feel an additional built form beyond the neighbour's rear building line.

No.12 Abberton Road, due to the location of the proposal, would not be impacted by the development.

Due to no.2 Sandhurst Avenue's single storey rear extension, they would not be impacted by the proposal.

In addition, a condition would be attached to any approval granted restricting the insertion of windows and doors beyond those approved by this consent.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

The materials to be used for the proposal would mostly match the host property. As such the materials are acceptable and a materials condition to that effect would be attached to any consent granted.

Although the proposal at the largest point would have a length of 6 metres which exceeds the amount specified within Policy DC1.3 of the UDP, Permitted Development rights allow extensions up to 6 metres in length. Given the extension would infill space created from previous extensions, it would not project past the property's existing rear building line. As such, the proposal is considered a sympathetic addition and is therefore acceptable in size and form, pursuant to Policy DC1 of the UDP.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Neighbour objections

Neighbours raised concerns the extension would provide more space for parties in connection with the HMO and could give rise to more cars parking at the property. However, as the number of bedrooms would not alter as a result of the proposal, no additional residents would live at the property and would therefore not be considered to affect parking availability. Space would still be retained for cars to be parked off street.

Car parking

As mentioned above, car parking arrangements would be unaffected by the proposal.

Bin storage

Bin storage would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions are attached to the approval granted.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Application for Planning Permission for works or extension to a dwelling, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
- Drawing- Proposed- Floor Plan, numbered 0001_B1_02_2200_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
- Drawing- Existing & Proposed- Elevation, numbered 0001_B1_04_2000_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
- Drawing- Location Plan, numbered 0001_B1_01_1200_01, stamped as received by the City Council as Local Planning Authority on 7 March 2023.
- Design & Access Statement, stamped as received by the City Council as Local Planning Authority on 7 March 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

5) The property shall not exceed 6 bedrooms in multiple occupation class C4 occupied by no more than six residents and no rooms shall be converted or sub divided to form additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the property or any increase in the number of occupants of the property.

Reason To ensure that the development is carried out in accordance with the approved plans pursuant to core Strategy policy H11.

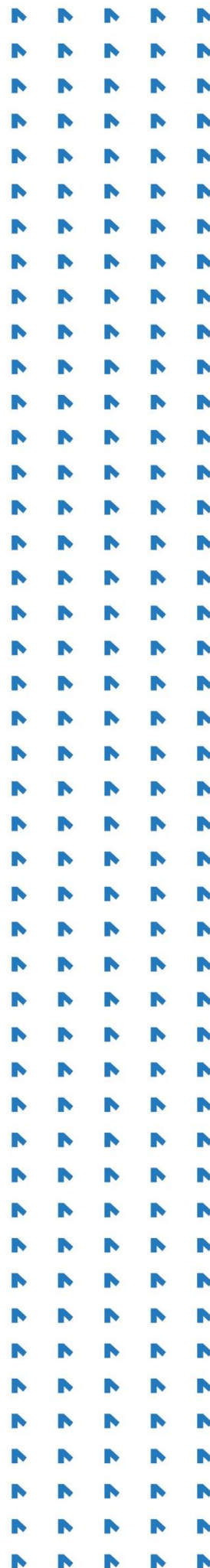
Appendix 1 – List of consultees & neighbours notified

12 Abberton Road, Manchester, M20 1HU
16 Abberton Road, Manchester, M20 1HU
2 Sandhurst Avenue, Manchester, M20 1ED

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 AREA

Appendix 3



Town and Country Planning Act 1990 (as amended) (Section 192)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

Grant of Certificate of Lawful Use or Development

Applicant

Mr Kristian Sparrow
Nests Development Ltd
115A Lapwing Lane
Manchester
M20 6UR

Agent

Ms Susie Morris
Prospetti
The Studio Moss Lodge
Moss Lane
Mere
WA16 0TA

Date of Application

27 July 2023

Application No.

137519/LP/2023

First Schedule

Enlargement of dwellinghouse with a rear dormer.

Second Schedule

14 Abberton Road
Manchester
M20 1HU

Manchester City Council hereby certify that on 27 July 2023 the use/operations described in the First Schedule in respect of the land specified in the Second Schedule and more particularly identified on the plan attached to this certificate edged in red, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1) Grant on the basis that the proposed rear dormer as shown on drawings 0001-B1-02-2200-PD 01, 0001-B1-04-2000-PD 01 and 0001-B1-01-1200-PD 01 does constitute permitted development as it would meet the requirements of Part 1, Schedule 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Date: 27 September 2023

Signed:

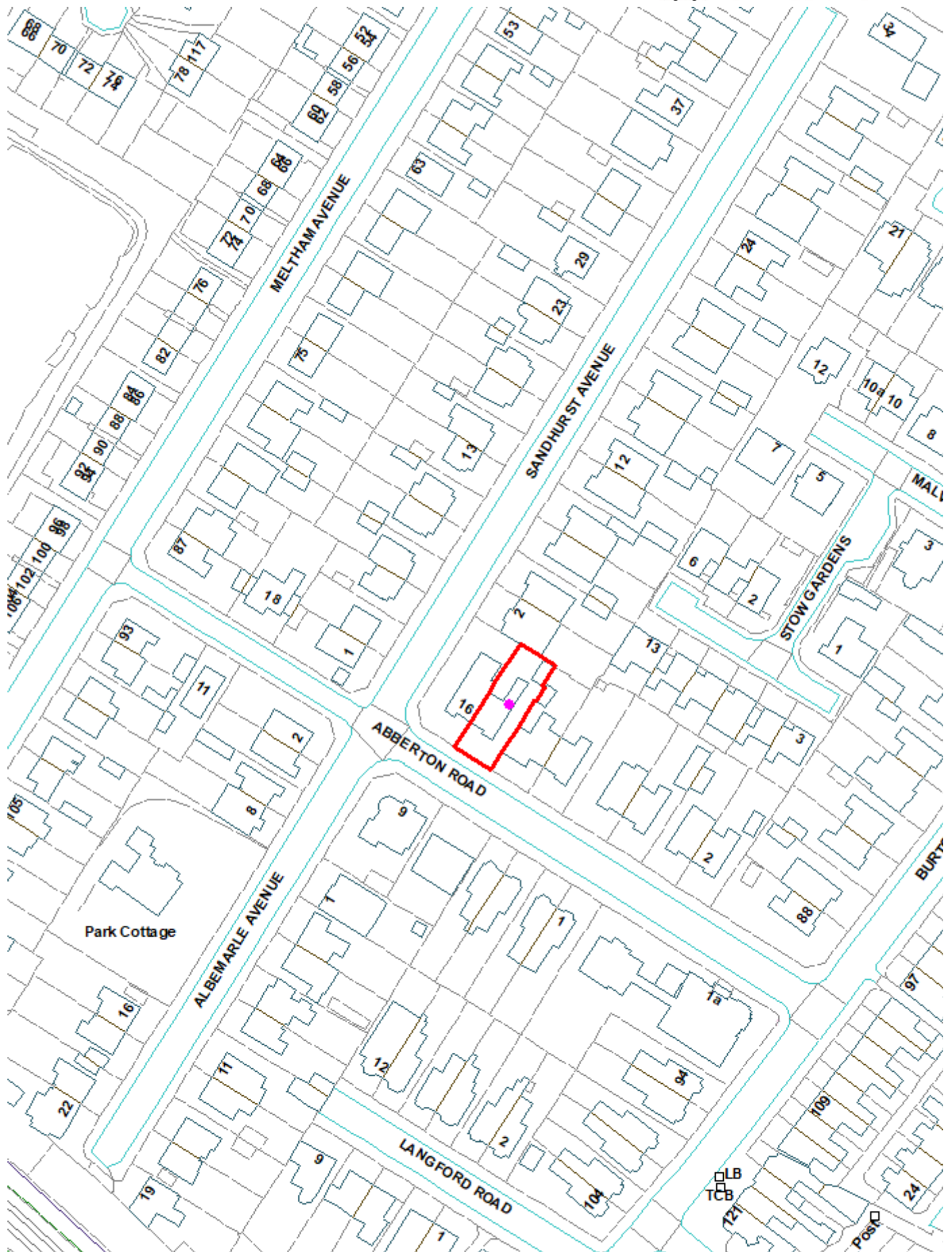


Julie Roscoe
Director of Planning, Building Control & Licensing

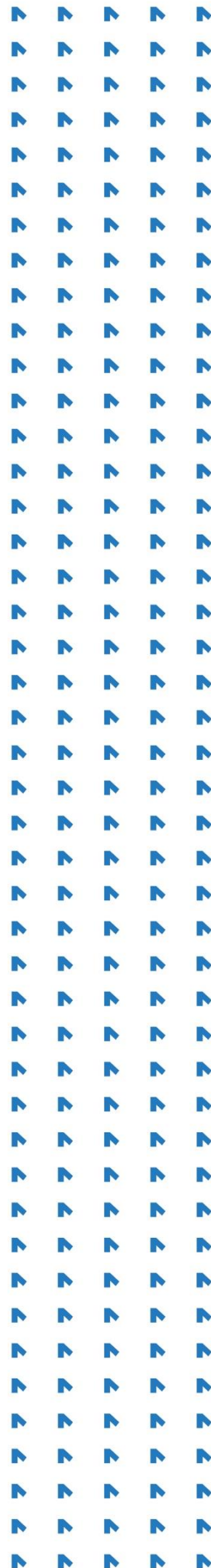
Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes to applicant

1. This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).
2. This certificate is issued solely to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
3. The effect of the Certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



Appendix 4



Planning

Growth & Development

Delegated officer report for planning application

Application no. 137519/LP/2023
Date registered valid: 27 July 2023
Proposal: Enlargement of dwellinghouse with a rear dormer.
Address: 14 Abberton Road, Manchester, M20 1HU
Ward(s): Old Moat Ward

Applicant: Mr Kristian Sparrow Nests Development Ltd
Agent (if any): Ms Susie Morris Prospetti
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Grant
Date of recommendation: 21 September 2023

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit:

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 relates to a two storey semi-detached dwelling, with a hipped roof, front gable and front bay windows.

The property has both front and rear gardens.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature, with a mixture of different housing types and ages.

Description of development

The applicant is seeking a certificate of proposed lawful development for a rear dormer.

Consultations & Notification Responses

None Required - There is no statutory requirement to consult third parties including neighbours; views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Planning History

Planning Application Reference and Status	Proposal
135586/PDE/2022 Recv: 22.11.2022 Application Turned Away (Legislative) - 28.12.2022	Prior notification of proposed larger home extension projecting 5.73m to the rear with a maximum height of 3.85m and a height at eaves of 3m
136426/FH/2023 Recv: 24.04.2023 Application Approved - 19.06.2023	Erection of a single storey extension to the rear of the property to provide additional living accommodation; with associated elevational alterations
134098/FO/2022 Recv: 20.06.2022 Application Refused - 16.08.2022	Erection of single storey side and rear extension following demolition of garage to house in multiple occupation to create a new self contained apartment with associated landscaping and new car parking and installation of rear dormer to existing house in multiple occupation
079542/FH/2006/S1 Recv: 24.05.2006 Application Approved - 10.07.2006	Erection of a first floor rear extension to form additional living accommodation

Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied 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.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal;

and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *"If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"* In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

The applicant is seeking a certificate of proposed lawful development for a rear dormer.

- The dormer will be considered under Class B;

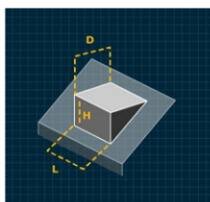
Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

Paragraph	Complie s
B.1 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G,M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N/A
B.1 (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Yes
B.1 (c) any 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;	Yes
B.1 (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—	
(i) 40 cubic metres in the case of a terrace house, or	N/A
(ii) 50 cubic metres in any other case;	Choose an item.

Dormer window — flat roof



Height (metres)

2.511

Depth (metres)

3.955

Length (metres)

2.883

Total Volume:

14.32

Calculate Volume

Reset

include— B.1 (e) it would consist of or

(i) the construction or provision of a veranda, balcony or raised platform, or

Yes

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Yes

B.1 (f) the dwellinghouse is on article 2(3) land.; or

Yes Yes

B.1 (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or

Choose an item.

B.1 (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Yes

B.2 (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;

Yes

B.2 (b) the enlargement must be constructed so that—

Yes

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

Yes

(bb) 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	Yes
(ii) 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; and	Yes
B.2 (c) any window inserted on 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.	Yes

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. For the purposes of paragraph B.2(b)(ii)—

- (a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
- (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Grant

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

1) Grant on the basis that the proposed rear dormer as shown on drawings 0001-B1-02-2200-PD 01, 0001-B1-04-2000-PD 01 and 0001-B1-01-1200-PD 01 does constitute permitted development as it would meet the requirements of Part 1, Schedule 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

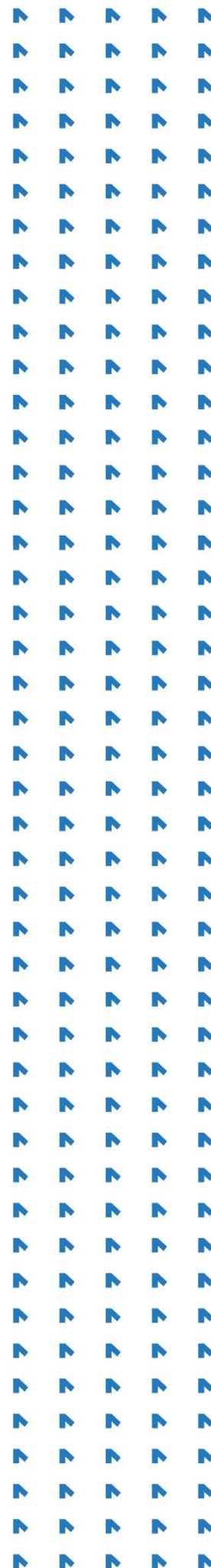
Appendix 2 – Planning constraints

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

Area Team Boundary - Name: SOUTH AREA

Appendix 5





Appeal Decision

Site visit made on 20 November 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/B4215/D/24/3352083

14 Abberton Road, Manchester, M20 1HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kristian Sparrow against the decision of Manchester City Council.
 - The application Ref is 140018/FH/2024.
 - The development proposed is a single storey extension to rear, hip to gable roof extension and installation of rear roof dormer to provide additional living accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear, hip to gable roof extension and installation of rear roof dormer to provide additional living accommodation at 14 Abberton Road, Manchester, M20 1HU in accordance with the terms of the application Ref 140018/FH/2024, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers – 0001_B1_01_1200_PPR; 0001_B1_02_2200_PPR; and 0001_B1_04_2000_PPR.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Kristian Sparrow against Manchester City Council. This is the subject of a separate decision.

Procedural Matter

3. On 12 December 2024, the Government published a revised National Planning Policy Framework (NPPF). I have noted that the Council's decision notice refers to sections 5 and 12 of the NPPF 2023. The revised version, includes some changes to the contents of both sections but, in my opinion, these changes do not materially affect the main issue, or the arguments from both parties. Consequently, there has been no need to seek further comments.

Main Issue

4. The main issue is the effect of the proposal on the character and amenity of the area.

Reasons

5. The appeal property is a two storey, semi-detached dwelling, which is situated in a residential area. Both parties agree that the property is in use as a 'Small House in Multiple Occupation' (Use Class C4) for up to 6 residents, although at the time of my site visit renovations were being carried out and it appeared to be unoccupied.
6. Planning permission (Ref 136426/FH/2023) has recently been granted by the Council for a single-storey rear extension (which is included in the description of this current appeal proposal) and for a dormer extension at the rear (Ref 137519/LP/2023).
7. The appeal proposal is for the single-storey rear extension, hip to gable roof extension and a rear dormer. The Council has no objection to the design and appearance of the proposed extensions and I have no reason to disagree with that view.
8. The appellant states that the proposal would provide greater space and enhanced accommodation for the occupants of the property. He states that there is no intention to increase occupancy levels, which, in any event, would require a further planning application for a change of use.
9. The Council argues that the proposal would be likely to result in an over-intensive use of the property, which would be detrimental to the character and amenity of the area. It expresses concern on matters such as additional noise, demand for vehicle parking and refuse collection.
10. In its decision notice, the Council refers to a number of Development Plan Policies. Some of these relate to the spatial distribution of housing development in the city and to general Development Management issues, including design, refuse and amenity. However, Policy H11 of the Manchester Core Strategy deals exclusively with Houses in Multiple Occupation (HMOs) and I consider this to be the most relevant to this appeal.
11. Amongst other things, Policy H11 states that in areas of high concentration, extensions to HMOs will not be permitted, where it could reasonably be expected to lead to an increase in the level of occupation. I note that the illustration that accompanies the explanatory text to Policy H11, shows HMO levels in the Old Moat ward.
12. The wording of the policy allows for a subjective assessment. However, it is not clear to me, based on the evidence submitted, that there is an unacceptably high concentration of HMOs in the vicinity of the appeal site. Whilst officers may have that local knowledge, no detailed information or statistics are provided in either the officer's report or the decision notice to guide a decision maker or substantiate the Council's concerns.
13. Furthermore, and more importantly, the fact that any occupancy above 6 persons would require planning permission means that the Council would have adequate controls over any proposal to increase numbers. This is key to

my decision and it has not been adequately addressed by the Council. As the proposal does not indicate an increase in occupiers, I conclude that any concerns over character and amenity are unfounded and could be dealt with if a change of use application was to be submitted in the future. Consequently, I conclude that the proposal would not conflict with the provisions of the Development Plan.

Conditions

14. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period for commencement and the listing of the approved plans, a condition requiring the use of matching external materials is imposed. This is necessary to ensure a satisfactory external appearance.
15. The Council has also recommended two further conditions. It seeks to prevent the installation of doors, windows in the approved extensions without the prior approval of the Council. However, I am not persuaded that the suggested condition is necessary, as it is unlikely that there would be a loss of privacy from the single storey extension, nor is it likely that additional windows would be installed in the dormer given the extent of glazing currently proposed within the structure.
16. In addition, a condition preventing an increase in the number of occupants of the building beyond six is suggested by the Council. As an increase beyond six would require planning permission, such a condition is unnecessary.

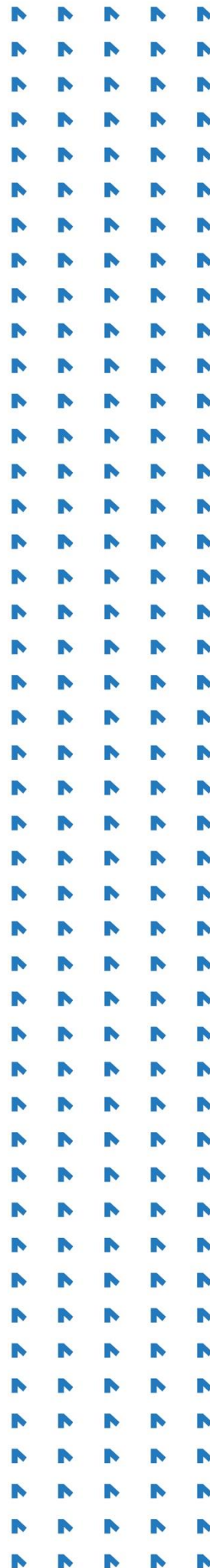
Conclusion

17. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR

Appendix 6



Property information for

14, ABBERTON ROAD, MANCHESTER, M20 1HU

Local Authority	Manchester (http://www.manchester.gov.uk)
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Local authority reference number	0000204
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Council Tax band	D
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Improvement indicator	No
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With effect from	1 April 1993
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Mixed-use property	No
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Court code	None
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