

Planning

Growth & Development

Delegated officer report for planning application

Application no. 143038/PDE/2025

Date registered valid: 27 May 2025

Proposal: Prior notification of proposed larger home extension projecting 6m to the rear with a maximum height of 3m and a height at eaves of 3m.

Address: 23 Badminton Road, Manchester, M21 0UQ

Ward(s): Chorlton Park Ward

Applicant: Mr Aqeel Ahmed

Agent (if any):

Case officer: Angelina Ward
Tel: 0161 234 4206
Email: angelina.ward@manchester.gov.uk

Recommendation: Turned Away (Legislative)

Date of recommendation: 1 July 2025

Application details

Type of application: General Permitted Development-Extensions

Development type: Notifications

Date of site visit: 26 June 2025

Standard consultations:

Printed: 30 May 2025 Expired: 30 May 2025

Neighbour notifications

Printed: 30 May 2025 Expired: 20 June 2025

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: N/A

Conservation area: N/A

Tree Preservation Order: N/A

Consultations & Notification Responses

In accordance with paragraph A.4(5) of the above-mentioned Order, each of the adjoining neighbours were notified of the proposal by letter dated 30 May 2025, with a deadline for responses being 20 June 2025.

Objections have been received, and these are summarised as follows:

- It will impact the light and outlook of both 21 and 23 Badminton Road.
- The long brick wall will be far closer to my house than the garage was and all I will see from my small glass extension is brick wall.
- It will certainly impact on my pleasure of sitting on the patio in summer which greatly helps my mental health and well-being
- We will now have a wall going the length of our boundary blocking a lot of sunlight from our home
- The outside space to the side of our house will be very enclosed due to the applicants' side extension and this will further make it gloomy.

As a result of the objections, it was necessary to assess the impact of the proposal on the amenity of any adjoining premises as set out in paragraph A.4(7) of the Order.

In advising the applicant of an objection and the need to make a site assessment, it was noted that the only plan submitted with the proposal was that of a site plan; the applicant was therefore invited to submit detailed elevation drawings of the proposal, and these would be considered when assessing the impact.

However, no response was received from the applicant ahead of the proposed inspection date of 26 June 2025, therefore an assessment of the impact of the proposal was to be based on the details submitted with the application on 27 May 2025, which consist of an application form describing the development and the site plan indicating the extent of the footprint of the proposed extension, together with the information noted during an inspection of the site.

On 26 June 2025, a site inspection was carried out with a view to undertaking an impact assessment, but at the time it was noted that works has already commenced, with foundation trenches having been dug for the proposal, and the existing rearward lean-to projection previously been demolished.



Photos taken of the site on 26 June 2025.

On 1 July 2025, detailed elevation plans, and site/floor layout plans were provided; the proposal on these plans differs significantly from that set out on the layout plan that accompanied the application when submitted on 27 May 2025. The new proposed plans show that the extension is to join to and extend from a single-storey rear and two-storey side extension that was approved on 14 March 2025 under reference 141724/FH/2024.

Issues

The proposed extension is submitted under the prior approval route as set out in Schedule 2, Part 1 of Class A, specifically at paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); this allows development that would be permitted by Class A, but which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). However, to be allowed under A.1(g), it must also comply with all the other elements of Class A.

As already stated, on 14 March 2025, under reference 141724/FH/2024, planning permission was granted for a *"part single part two storey side and single storey rear extension together with rear roof dormer to create additional living accommodation"*. In assessing the proposal, regard would need to be had to sub-paragraph (ja), which requires the total enlargement of a dwellinghouse (this being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined), to also comply with the limits set out in sub-paragraphs (e) to (j). However, this is also taken on the basis that one or more those enlargements have already been completed, and the proposal being considered is to be a further addition.

The site inspection on 26 June 2025, revealed that foundation trenches for the proposed extensions had been dug and the existing rear lean-to projection had been demolished to facilitate the construction of the extensions granted by the March 2025 permission. Those foundation trenches were also connected to trenches that would be utilised by the proposal purported to form the larger homes prior approval application; those trenches appear to have been carried out as a single material operation, with the clear intent of linking the entirety of the extensions in one construction event.

The prior notification procedure is set out in detail at Condition A.4 of the Order and sub-paragraph (2) requires the submission of information by the developer before beginning the development. Furthermore, sub-paragraph (10) states that the development must not begin before the occurrence of one of the following:

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in subparagraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

For the purposes of the Town and Country Planning Act 1990, Sec.56(2) provides that development shall be taken to be begun on the earliest date on which any material operation *"comprised in the development"* begins to be carried out. Material operations are listed at Sec.56(4) and include:

- (b) the digging of a trench which is to contain the foundations, or part of the foundations of any building

A material operation had been undertaken, and this had begun ahead of any of the conditions set out in sub-paragraph (10) being realised, accordingly the prior approval route is not available to the applicant, and the proposal would require planning permission.

In concluding that the prior approval route is not engaged for the reasons set out above, it has therefore not been necessary to assess the impact of the proposal. Nevertheless, even if the proposal had not commenced, nor was it to be undertaken as a single operation with the March 2025 permission, it would fail to satisfy the Order because of the requirements under sub-paragraph (ja).

The applicant has been advised that work should stop, and that planning permission is needed.

Recommendation: Turned Away (Legislative)

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

The above application was submitted to us on 27 May 2025.

When assessing the criteria of the larger homes extensions under Schedule 2, Part 1, Class A of the above Order, the proposal must comply with all the requirements to be permitted development; this includes all conditions, limitations or restrictions.

The prior notification procedure is set out in detail at Condition A.4 of the Order and sub-paragraph (2) requires the submission of information by the developer before beginning the development. Furthermore, sub-paragraph (10) states that the development must not begin before the occurrence of one of the following:

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required.
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in subparagraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

For the purposes of the Town and Country Planning Act 1990, Sec.56(2) provides that development shall be taken to be begun on the earliest date on which any material operation "*comprised in the development*" begins to be carried out. Material operations are listed at Sec.56(4) and include:

- (b) the digging of a trench which is to contain the foundations, or part of the foundations of any building

As the development has already commenced, and none of the criteria under sub-paragraph (10) have occurred, the proposal does not satisfy all of the conditions and limitations and is therefore not permitted under the Order.

Appendix 1 – List of consultees & neighbours notified

239 Brantingham Road, Manchester, M21 0TP
25 Badminton Road, Manchester, M21 0UQ
21 Badminton Road, Manchester, M21 0UQ
237 Brantingham Road, Manchester, M21 0TP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA