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23rd December 2024

Dear Sir/Madam,

Town & Country Planning Act s.191 Application for Lawful Development Certificate for Existing Development. Rear dormer extension and single storey rear extension at 206 Moseley Road, Manchester M14 6PB



I enclose an application for a Lawful Development Certificate for an existing roof and ground floor rear extension at 206 Moseley Road, Fallowfield. This follows on from a previous application for a lawful development certificate for proposed development (s.192) of the same description (although the proposed plan incorrectly indicated an area of plasterboard instead of external cladding to part of the dormer). The application was refused and the subsequent appeal was dismissed due to lack of clarity and precision about the intended

dormer cladding (see attached appeal decision). This application addresses that specific issue and as the development is now complete a s.191 certificate is now sought.

The property is lawfully occupied as a small HMO for which a lawful development certificate has been issued and this continues with the completed extensions. It is accepted that HMOs are classed as dwelling houses for the purpose of the General Permitted Development Order and are therefore entitled to the same permitted development rights.

The question is therefore whether the completed extensions fall within the scope of The Town & Country Planning (General Permitted Development) (England) Order 2015.

The dormer extension falls within class B of the schedule to the Order, being an enlargement of the rear roof slope of the main roof and side slope of the outrigger. The dormer extension does not exceed the height of the highest part of the existing roof. The volume of the extension is less than 40 cu m and is set back more than the required 20cm distance from the eaves. The side window will be obscure glazed.

The extension has been completed using grey shiplap cladding which is shown on the images above and below and is referenced on the attached plans.





As such, it is considered that the completed cladding is of a similar appearance to the existing building. The inspector commented on this aspect of the proposal in his appeal decision letter as follows:

9. The Government's Technical Guidance¹ provides a useful guide to interpretation of the GPDO. In the guidance for condition B.2(a) it states:

"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. For example...

- the face and sides of a dormer window should be finished using materials that give a similar visual appearance to the existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level."*

10. 206 Moseley Road is a mid-terrace brick built dwellinghouse. The front elevation of the property is painted red with its roof made up of slate tiles which are, when viewed from ground level, of greyish colour. The Council determined that the proposed development would fail to comply with paragraph B.2(a) as it would include "grey uPVC shiplap cladding" and "rendered cement board" which would not be of a similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

11. The plans submitted as part of the LDC application are annotated to show that the proposed rear dormer extension would include "grey uPVC shiplap cladding". Whilst in principle I consider that it would be possible for such cladding to comply with paragraph

B.2(a), other than a single sentence in the covering letter dated 27 April 2023 stating that the cladding would be “of a similar appearance to the existing building”, little detail regarding the design or appearance of the proposed cladding is provided.

12. In any event, drawing number 7 dated “Amended Plan Feb 23” is also annotated with the words “rendered cement board”. This annotation has an arrow pointing to the external part of the proposed rear dormer extension that protrudes above the ridge of the two-storey rear outrigger. Since rendered cement board does not form part of the existing dwelling, I agree with the Council that its external use would not be of similar appearance to the materials used in the construction of the exterior of the existing dwelling.

13. The appellant however contends that the “rendered cement board” is a construction detail and not a facing material, and that when reading the application as a whole, the intention to clad the rear dormer extension with grey uPVC shiplap cladding is clear.

14. Section 192(2) of the 1990 Act states *“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”*. The Planning Practice Guidance² also advises that the applicant is responsible for providing sufficient information to support an application, and that in the case of applications for proposed development *“an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved”*.

15. Whilst it may not have been the appellant’s intention, when read on its face drawing number 7 indicates the external use of “rendered cement board” on a small section of the proposed rear dormer extension. Overall, the submitted plans and information do not clearly demonstrate that the proposed external materials would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. On the evidence before me, I am not satisfied that lawfulness has been established.

16. I therefore find that the appellant has not demonstrated, with sufficient clarity and precision, that the proposal as shown on the submitted plans would be granted planning permission by Article 3, Schedule 2, Part 1, Class B of the GPDO and thus would have been lawful at the time of the application.

It is now submitted that the completed development demonstrates clearly that the cladding material is of similar appearance to the existing roof and as such the dormer extension falls within class B and is therefore permitted.

The single storey extension projects less than 3m from the original rear wall of the property and will be less than 4m in height. It does not cover more than 50% of the outside area of the curtilage, as demonstrated by the site plan showing the measurements and calculations.

As such the rear extension falls within class A is therefore permitted.

Should you require any further information, please do not hesitate to contact me, otherwise I look forward to your confirmation of the lawfulness of the proposed development.

Yours sincerely

Stephen Lamb DipTP MRTPI

Planning Consultant