TOWN AND COUNTRY
PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

APPLICATION SUBMISSION ON BEHALF OF: MUHAMMAD ASHFAQ

8 LEABANK ROAD
LEVENSHULME
M19 3DU

LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED REAR DORMER & VELUX WINDOWS TO FRONT

SUPPORTING PLANNING STATEMENT

PLANNING ANGEL
PLANNING AND DEVELOPMENT CONSULTANCY
GUARDIAN TO YOUR PROJECT

Reference: PAL/4058 **November 2023**

CONTENTS

1 INTRODUCTION 3

1.1 PREAMBLE 3

2 PLANNING HISTORY 4

2.1 CONTEXT 4

3 ASSESSMENT OF THE ISSUES 5

3.1 SITE CONTEXT 5

3.2 DETERMINATION CONTEXT 5

4 CONCLUSIONS 9

4.1 SUMMARY 9

1 INTRODUCTION

1.1 PREAMBLE

1.1.1 Planning Angel Ltd (PAL) have been instructed by Muhammad Ashfaq to prepare a supporting Planning Statement in support of an application, made under section 192 of the Town and Country Planning Act 1990 (as amended), which seeks a Certificate of Lawful Proposed Development for roof dormer and rooflights to be undertaken under permitted development rights at 8 Leabank Road, Levenshulme M19 3DU.

1.1.2 This statement should be read in conjunction with the submitted plans.

1.1.3 This application seeks to confirm the lawfulness of alterations to the roof of the existing dwelling (Class B & C).

2 PLANNING HISTORY

2.1 CONTEXT

2.1.1 The site's planning history is listed below:

Ref Number	Description	Decision
135735/FH/2022	Erection of two storey side extension and two single storey rear to form additional living accommodation	Approved - 06 Jun 2023

3 ASSESSMENT OF THE ISSUES

3.1 SITE CONTEXT

3.1.1 The property is a detached C3 Dwelling. The property is not located in a Conservation Area.

3.1.2 Proposed works: The proposed dormer will be located on the plane of the existing roof to the rear. The three proposed rooflights will be located on the plane of the existing roof to the front.

3.2 DETERMINATION CONTEXT

3.2.1 This application seeks a Certificate of Lawfulness to confirm that the proposed development of a dormer addition to the roof, under permitted development rights, is a lawful one.

Town & Country Planning Act 1990: Section 192 as amended by section 10 of the Planning and Compensation Act 1991.

Town & Country Planning (General Permitted Development Procedure) (England) Order 2015 (as amended).

3.2.2 Section 192 of the 1990 Act states that:

Certificate of lawfulness of proposed use or development.

(1) 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.

3.2.3 In accordance with the Act this application specifies the land in question and describes the proposed development – planning merits are understood not relevant to the determination of a LDC application.

3.2.4 The application deals with the proposed dormer and rooflights - the development reflects the GDO criteria for Class B & Class C additions etc to the roof and there can be no doubt as to the lawfulness of the development proposed.

Dormer

3.2.5 The dormer to be considered against the criteria of the relevant part of the GDPO which is Class B(B.1) to Part 1 of Schedule 2.

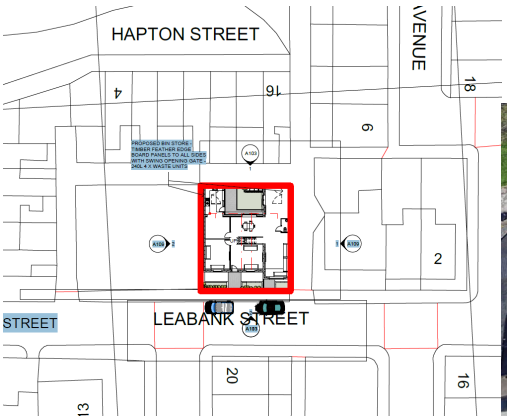
3.2.6 This provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof. Under Class B the following limits and conditions apply:

3.2.7 B.1 Development is not permitted by Class B if –

3.2.8 a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use) **N/A**

3.2.9 (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof **N/A, it does not exceed the highest part of the roof of the existing house (ridge line of the main roof)**

3.2.10 (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 **N/A, it is not on a principal elevation that fronts a highway**



3.2.11 (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, **N/A, this is a detached dwelling** or

(ii) 50 cubic metres in any other case **The proposal does not exceed 50 cubic metres**[1]

3.2.12 (e) it would consist of or include -

[1] The dormer will be completed prior to any works commence on the approved extension (135735/FH/2022)

(i) the construction or provision of a verandah, balcony or raised platform, **N/A**, **it does not** or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe **N/A**, **it does not**

3.2.13 (f) the dwellinghouse is on article 2(3) land **N/A**

Conditions

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

3.2.15 (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 **All materials will be similar to the existing materials used on the existing dwelling to minimise visual impact and to be sympathetic to the host dwelling.**

3.2.16 (b) the enlargement shall be constructed so that –

(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; **N/A** and

(bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; **edge of the enlargement closest to the eaves of the original roof shall be 0.2m+** and

(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 **N/A - It will not**

3.2.17 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be – **N/A, no windows proposed on a side elevation**

(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

Class C – other alterations to the roof: Roof lights

3.2.18 Under Class C the following limits and conditions apply:

C.1 Development is not permitted by Class C if –

3.2.19 a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use) **N/A**

3.2.20 (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof. **They will not protrude more than 0.15m.**

3.2.21 (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or **N/A**

(d) it would consist of or include-

3.2.22 (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or Guidance on these limits is covered under Class B above and will also apply to development under Class C. **Velux windows will be positioned on original roof**

3.2.23 (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment **N/A**

Conditions

3.2.24 C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be – **N/A**

3.2.25 (a) obscure-glazed; and

3.2.26 (b) 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

4 CONCLUSIONS

4.1 SUMMARY

4.1.1 The proposed dormer development and rooflights clearly fall within the definition of “permitted development”, we respectfully request that a positive Certificate be issued to confirm as such and we look forward to receiving the LDC in due course.