

December 2023

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## SUPPORTING STATEMENT

10 & 12 Landos Road, Manchester

Supporting statement in respect of Class AA  
prior approval for an upward extension



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## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Urban Future Planning Consultancy Ltd on behalf of the Applicant, to accompany an application for a Class AA prior approval for an upward extension to provide additional living accommodation at 10 & 12 Landos Road, Manchester. This Statement should be read alongside the accompanying plans and other supporting information and documentation submitted.
- 1.2 The General Permitted Development Order (GPDO) has given the ability to add additional storeys in the airspace to many homes by one or two additional storeys. The application is made under Part 1, Schedule 2, Class AA of the General Permitted Development Order (2015) (As Amended) for an upward extension
- 1.3 The application property comprises a pair of C3 dwellinghouses located within a suburban residential locality with a diverse built form comprising a mix of two and three storey residential properties. The Applicant seeks to extend upwards by an additional storey to bring about two three-storey family homes. The accompanying plans fully demonstrate the Applicant's intentions for the properties and should be referred to for further details.
- 1.4 The subsequent sections of this Statement will describe the application site and its surroundings, set out the relevant planning policy and legislation and assess the proposals against the relevant policy and legalisation. The Statement concludes that consent ought to be granted.

## 2.0 SITE & SURROUNDINGS

- 2.1 The application site comprises a pair of two-storey semi-detached dwelling houses (Use Class C3) of brick construction with a tiled roof. The site is located within a suburban setting of mostly semi-detached and mews style properties. The properties opposite the application site form part of a recent housing development. As shown overleaf, there is a varied mix of two and three storey built development.



**Figure 1. Application site location**



**Figure 2. Application site**



Figure 3. There is a mix of two and three storey properties within the immediate vicinity

## 3.0 RELEVANT PLANNING POLICY

- 3.1 The application is made under Part 1, Schedule 2, Class AA of the General Permitted Development Order (2015) (As Amended) for an upward extension.
- 3.2 The proposal should be assessed under Class AA of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

### **9.3 Permitted development:**

**AA. The enlargement of a dwellinghouse consisting of the construction of—**

**(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or**

**(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.**

### **9.4 Development not permitted:**

**9.5 AA.1. Development is not permitted by Class AA if—**

**9.6 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);**

**9.7 (b) the dwellinghouse is located on—**

- (i) article 2(3) land; or**
- (ii) a site of special scientific interest;**

**9.8 (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;**

**9.9 (d) The existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;**

**9.10 (e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;**

**9.11 (f) Following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—**

- (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or**
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;**

**9.12 (g) The dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—**

**(i) In the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or**

**(ii) In the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;**

**9.13 (h) The floor to ceiling height of any additional storey, measured internally, would exceed the lower of—**

- i. 3 metres; or**
- ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;**

**(i) Any additional storey is constructed other than on the principal part of the dwellinghouse;**

**9.14 (j) The development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or**

**9.15 (k) The development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.**

**Conditions:**

**9.16 AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).**

**9.17 (2) The conditions in this sub-paragraph are as follows—**

**9.18 (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;**

**9.19 (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;**

**9.20 (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and**

**9.21 (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.**

## 4.0 PLANNING APPRAISAL

- 4.1 Section 3 of this Statement comprises the criteria the development must comply with to be considered permitted development.
- 4.2 It is reasonable to assume, based on historic maps, that the properties were built after 1st July 1948.
- 4.3 The existing dwellings are two storey and it is proposed to increase in height by an additional storey. Thus, the development complies with the relevant height criteria.
- 4.4 The interpretation section of Class AA provides the following clarification with regard to the intended meaning of “principal part”:

*“principal part”, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition*

- 4.5 The upward extension would be constructed over the principal part of the dwellings. Overall, the proposal would comply with the criteria above, the principal matters for consideration would therefore relate to the matters of prior approval which will be outlined and assessed overleaf.

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**Consideration of Matters of Prior Approval:**

**9.32 Para AA.2 of the GPDO legislation states that before beginning the development, the developer:**

**9.33 (a) must apply to the local planning authority for prior approval as to:**

**(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;**

**(ii) the external appearance of the dwellinghouse, including the design and architectural features of:**

**(aa) the principal elevation of the dwellinghouse, and**

**(bb) any side elevation of the dwellinghouse that fronts a highway;**

**(iii) air traffic and defence asset impacts of the development; and**

**(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012<sup>44</sup> issued by the Secretary of State;**

**9.34 (b) must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated**

*Impact on Amenity of Adjoining Premises*

4.6 The inclusion of windows to the rear would not give rise to undue amenity concerns such as privacy or overlooking impacts as there are no residential properties to the rear given that the application property abuts a playground to the rear.

4.7 The proposal would not result in any privacy issues to the internal environments of the adjacent properties. With respect to potential loss of light, British Research Establishment guidance states that if a development does not breach a 45 degree line drawn from the centre of the closest habitable window on an adjacent property, from either plan or elevation view, then no further sunlight/daylight studies would be required as the development would not have a significant impact in terms of light loss. In terms of the elevations, the main form of the proposed property would not breach a 45 degree angle.

### *Impact on External Appearance of Dwellinghouse*

- 4.8 Paragraph AA.2 (3) (a) (ii) of the relevant legislation allows the local planning authority to take account of the external appearance of a dwelling, including the design and architectural features of the principal elevation and any side elevation which fronts a highway. The wording is such that the term external appearance does not solely relate to design and architectural features. On the contrary, these are merely examples of factors which are able to be considered under the broad heading of external appearance. The external appearance of a dwelling and the question of whether or not it constitutes good design cannot so easily be divorced or considered separately from its context. Numerous appeal decisions made by the Planning Inspectorate support this view. Therefore, for the purposes of this prior approval application the external appearance of the proposal will, in addition to the architecture of the dwelling itself, be judged with reference to the local context. Paragraph 130 of the NPPF (2021) states the developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

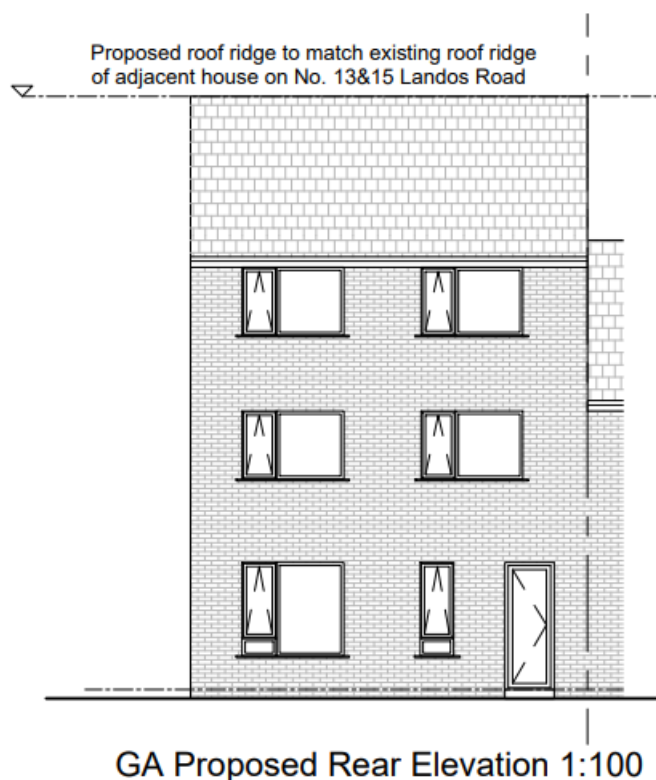


**Figure 4. The proposed roof ridge height would match that of the three storey properties opposite**

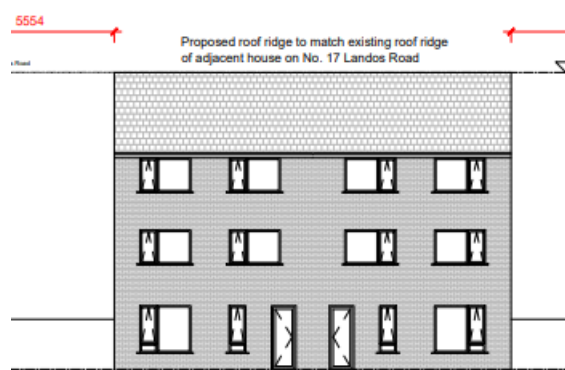


**Figure 5. The overall form of the adjoining properties would create a balanced and proportionate structure post-redevelopment**

- 4.9 As demonstrated in Section 2, there is a mix of two and three storey properties within the immediate vicinity. The existing dwelling is not considered to be of high architectural merit. The proposal would largely replicate the style of the host dwelling and be of a similar size / scale to the three storey dwellings directly opposite.
- 4.10 While the proposed development would differ in style, this style would largely replicate elements of the existing building and the overall height increase would not result in the building appearing overtly contrived on the street scene. Thus, in this context it is considered that this specific section of the road can accommodate an increase in height without significantly disrupting the pattern of the street scene. Therefore, it is considered the development would not have a significant disruptive impact on the overall character of the area.
- 4.11 In Appeal Ref: APP/H1840/W/21/3266807, the Inspector concluded “the permitted development right is expressly intended to allow a building to be extended by up to 2 storeys. While this may result in a seemingly tall building but that is an inevitable consequence of the permitted development right. Acceptance of such height is implicit in the introduction of the permitted development right, which supports the Government’s objective of significantly boosting the supply of homes. A difference of up to 2 storeys from the prevailing height has therefore to be interpreted as not inconsistent with the area for the purposes of this prior approval”.

4.12 In another Class A appeal decision<sup>1</sup> defining 'external appearance', the Inspector stated:

“For the purposes of assessing whether prior approval should be granted, I consider the assessment of the matter in dispute is limited to the external appearance of the building rather than its effect on the wider area. Even if a wider interpretation of the matter to be considered under prior approval is taken, the principle of upward extension of up to 2 storeys is established by the permitted development right in Part 20, Class AA of the 2015 Order, and the matters requiring prior approval need to be interpreted in the context of that principle.....

The Framework and indeed development plan policies should not be applied so as to frustrate the purpose of the grant of permitted development rights through the 2015 Order in the first place.”

#### *Air Traffic and Defence Asset Impacts*

4.13 The height of the development (under 45.7m) is such that there would be no implications for air traffic and defence assets.

#### *Protected Views*

4.14 The proposal would not affect any protected views.

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<sup>1</sup> Appeal Ref: APP/T1410/W/20/3263486

## 5.0 CONCLUSION

- 5.1 The proposal is considered to comply with the criterion set out AA.1 and the matters subject to prior approval are all considered to be acceptable. The upward extension would therefore be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).