

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133931/LP/2022

Date registered valid: 31 May 2022

Proposal: LAWFUL DEVELOPMENT CERTIFICATE relating to the erection of a rear roof extension to form additional living accommodation

Address: 11 Park Avenue, Manchester, M19 2EE

Ward(s): Levenshulme Ward

Applicant: Mrs Emma Richman 11 Park Avenue, Levenshulme, Manchester, M19 2EE

Agent (if any): Mr Matthew Hargreaves Back Room Architecture & Design 313 Barlow Moor Road, Chorlton, Manchester, M21 7GH

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 25 July 2022

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

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

Listed building: Not applicable

Conservation area: Rushford Park Conservation Area 1986

Tree Preservation Order:

This application relates to a two-storey semi-detached property in the Rushford Park Conservation Area.

The application is for a lawful development certificate for a proposed rear dormer extension. The proposed dormer would have a height of approximately 2.1 metres and would be approximately 3.1 metres long x 5.2 metres wide. This would give a volume of approximately 17 cubic metres. The dormer would be set-in from the roof edges, and at its base, would be over 20 centimetres from the eaves.

Materials would similar in appearance to the existing house.

Consultations & Notification Responses

None

Issues

The certificate of lawful development that has been applied for because the applicant wishes to gain confirmation that a proposed rear dormer extension, at the house, constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015. This sets out the rules concerning what extensions, improvements and alterations a householder may make to

their house and the area around it without the need for an application for planning permission. Such works are known as 'permitted development'.

Class B of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 relates to additions to the roof of a dwellinghouse

B.1 States that development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (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;
- (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
 - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.

Article 2(3) land includes Conservation Areas. As the site lies in a Conservation Area, the proposal does not therefore meet point B.1 (f), of the above criteria, and does not therefore constitute permitted development. An application for planning permission, for a dormer extension, is also current on this site (128845/FO/2020) and the applicant is now progressing this. Accordingly he has indicated that he is happy for this application, for a Lawful Development Certificate, to be refused.

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: Refuse

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

1) Refuse on the basis that the proposed dormer extension shown on the site location plan and drawings numbered 02_0001 rev D and 02_0002 rev B,, does not constitute permitted development in accordance with Schedule 2, Part 1, Class B B.1.(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the property lies in the Rushford Park Conservation Area, which constitutes article 2(3) land.

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

Conservation Area - Rushford Park Conservation Area 1986

Area Team Boundary - Name: NORTH