

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133812/LP/2022

Date registered valid: 19 May 2022

Proposal: Alterations to front elevation and erection of single storey rear extension

Address: 1 Lilford Close, Manchester, M12 5UD

Ward(s): Ardwick Ward

Applicant: Mr Kok Leong Loh 1 Lilford Close, Manchester, M12 5UD

Agent (if any): Mr Dominic Lim Team2Design 1 Kingfield Road, Liverpool, L9 3AL

Case officer: Ian Jarvis
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Recommendation: Approve

Date of recommendation: 15 August 2022

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

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:

Tree Preservation Order:

This application relates to a detached house, in a predominantly residential area. The property is recently built (around 5 years old) and is part of a residential development, of 565 houses, allowed by planning permissions 099219/OO/2012/N2, 105914/MO/2014/N2, 105915/JO/2014/N2, 107525/JO/2014/N2 and 112442/JO/2016/N2. These permissions were subject to various conditions, including the following, which was condition no.56 of the latest permission (112442/JO/2016/N2).

Notwithstanding the provisions of Class A, D, E, G Part 1, Class A, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 of any subsequent amending legislation, no extensions, free standing buildings or means of enclosure to properties within any Phase of the development shall be erected on any public sewer or within a 4metre strip either side of any public sewer; and no deep rooted shrubs and trees should be planted in the vicinity of the public sewer and overflow systems, unless full details of methodology for ensuring no undue impact is caused to the sewerage system, and those works are fully agreed in writing with the local planning authority.

It is now proposed to erect a single storey rear extension to the property. This would project 3.375 metres, with a sloping roof that would have a height of approximately 2.55 metres to eaves level, and a maximum height of approximately 3.49 metres where the roof would be attached to the main house. The extension would be constructed in materials to match the existing house.

In addition, it is proposed to convert an existing integral garage, at the front of the house, into additional living accommodation, with associated replacement of garage door with new window and brickwork to match the existing house.

Consultations & Notification Responses

Due to the condition referred to above, the following consultations were carried out:

Flood Risk Management Unit - Having checked their copy of the United Utilities sewer records there does not appear to be any public sewer beneath the proposed extension. However, they would encourage consultation with UU as well to confirm.

United Utilities - Due to the nature of the proposal it would not require a response from us at the planning stage. If there was issue with a potential build over of a sewer this would be picked up by building control.

Issues

The certificate of lawful development that has been applied for has been done so because the applicant wishes to gain confirmation that a proposed rear extension and elevational alterations, 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'.

Rear extension

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

- Class A - Permitted development - The enlargement, improvement or other alteration of a dwellinghouse.

Class A.1 - Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

This is subject to conditions, which include the following:

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed rear extension meets this criteria/condition and also, given the comments of the Council's Flood Risk Management Unit, and United Utilities, it is not considered that the proposed rear extension would be in breach of condition 56, of planning permission ref:112442/JO/2016/N2, as there is no evidence that the extension would be sited on, or within 4 metres, of a public sewer.

Garage conversion and associated elevational alterations

The garage conversion is an internal alteration which does not amount to development, as indicated within s.55 of the Planning Act. As such it cannot be a lawful development and certified by way of an application for a lawful development certificate. However, the associated external alterations do constitute development and need to be assessed under Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

The proposal involves removing the garage door in the front elevation of the integral garage of the dwellinghouse and replacing it with a new window with facing brickwork. The proposal does not involve enlarging the footprint of the house.

As the proposed extension and elevational alterations, to the existing frontage, do not breach any of the above restrictions, the certificate can be granted as the proposed development would be lawful as permitted development.

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: Approve

Article 35 Declaration

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

1) Grant on the basis that works detailed on the following drawings constitutes permitted development in accordance with Part 1, Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Drawings and Documents:

Drawing number 1LC/SP01 – Location Plan

Drawing numbers 1LC/01 and 1LC/03, dated May 2022

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH