

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133557/LP/2022

Date registered valid: 8 June 2022

Proposal: Certificate of Proposed Lawful Development for the installation of six solar PV panels to the front roof slope

Address: 9 Whalley Avenue, Manchester, M16 8AT

Ward(s): Whalley Range Ward

Applicant: Alex Mannion-Jones, 9 Whalley Avenue, Manchester, M16 8AT

Agent (if any): Andy Barrow Thomas, Halliwell Lane End Works, 162 Middleton Road, Oldham, OL2 5LS

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 June 2022

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

Date of site visit: Not Required

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

The application site relates to a two storey corner terraced property located within a residential cul-de-sac within the Whalley Range ward and Conservation Area.

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

Description of area

The character of the area is predominantly residential, albeit a variety of uses are present within close proximity to the site. Our Lady's RC Primary School is located to the north west of Whalley Road, with the St Luke's spiritual and psychological care centre to the west of the site.

Description of development

The applicant is seeking a Certificate of Proposed Lawful Development for the installation of six solar PV panels to the front roof slope

Consultations & Notification Responses

None Required

Issues

The applicant is seeking a certificate of proposed lawful development for the installation of six solar PV panels to the front roof slope.

The proposal will be considered under Part 14, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) - the relevant legislation when determining the installation or alteration etc of solar equipment of a domestic premises.

**Class A – installation or alteration etc of solar equipment on domestic premises
Permitted development**

A The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

- (a) a dwellinghouse or a block of flats; or**
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.**

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Complies [✓]

- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

Complies [✓]

- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

Complies [✓] – Would be located on the roof slope and not a wall that fronts the highway

- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Complies [✓]

- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Complies [✓]

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Conclusion

In conclusion, the proposed single storey rear extension complies with Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the certificate should be approved.

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) Approve on the basis that the proposed six solar PV panels as shown on drawing and documents received by the City Council as Local Planning Authority on the 19th April 2022, 20th May 2022 and 8th June 2022, constitutes permitted development in accordance with Part 14, Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH