

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133809/LP/2022

Date registered valid: 18 May 2022

Proposal: Enlargement of the dwellinghouse by the addition of a rear dormer to the outrigger

Address: 144 Moseley Road, Manchester, M14 6PA

Ward(s): Fallowfield Ward

Applicant: Mr A Kelso C/o Agent, ,

Agent (if any): Stephen Lamb Steve Lamb 11 Princes Road, Stockport, SK4 3NQ

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

Recommendation: APPROVE

Date of recommendation: 4 July 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 2-storey mid-terrace house comprising red-brick elevations and a grey slate roof. The house is located in a predominantly residential area, being constructed to the back of pavement and incorporates a walled rear yard.

The existing roof configuration has a ridge line running from west to east and the property has an existing rear dormer. There is no record of any formal consent/certificate of lawful development, for that dormer, but it has dimensions of 1.75 metres (h) x 2.5 metres (l) x 4.25 metres (w), giving it a volume of approximately 9.5 cubic metres, and, in all respects, it meets permitted development criteria. Also, the property has an existing two storey rear outrigger, with a pitched roof that links into the main roof. with the same eaves level, but with a lower ridge height.

The application proposes to erect a second dormer to the existing outrigger roof. The roof, of the dormer, would be almost flat, having a slight slope. This proposed dormer extension would have dimensions of: 2 metres (h) x 2.75 metres (l) x 4.25 metres (w), giving it a volume of approximately 11.70 cubic metres. This proposed dormer extension would be offset from the eaves by approximately 250 mm. The dormer would be higher, than the existing outrigger roof ridge, but of a lower height than the main roof ridge. When considered together, the existing, and proposed, dormers would have a combined volume of approximately 21.20 cubic metres.

The premises are indicated as being a long established Class C4 HMO, although there is no record of any planning permission/Certificate of Lawful Development, for that use. The property presently has 5 bedrooms, and the proposed dormer extension would form a sixth bedroom.

The dormer would include an obscurely glazed window and it is indicated that it would be constructed in a grey cladding of a similar appearance, to the existing roof.

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 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'. This legislation is applicable to both Class C3 and Class C4 uses. Thus, whilst the applicant has not formalised the indicated C3 use, this does not alter how the application is assessed.

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.

The legislation also states:

B.2 Development is permitted by Class B subject to conditions including:

- (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;
- (b) the enlargement must 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; and

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

The proposed dormer extension meets this criteria, in terms of volume, distanced from eaves and position on the roof. In addition, the applicant has confirmed that the dormer would be constructed in materials which would be similar in appearance to the existing house .

Planning permission is not therefore required for the proposed dormer.

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

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

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

Drawing and Documents:

Location plan

Drawings titled '2nd Floor Dormer', 'Rear Elevation', 'Side Elevation', 'Section BB' and 'Outrigger Dormer'

Letter from Stephen Lamb, dated 18 May 2022, which details the proposed materials.

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

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)

Area Team Boundary - Name: CMPLNC