

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133556/LP/2022

Date registered valid: 19 April 2022

Proposal: Certificate of Proposed Lawful Development for the installation of two rooflights to the front roof slope

Address: 5 Morrell Road, Manchester, M22 4WJ

Ward(s): Northenden Ward

Applicant: Ella Chipchase 5 Morrell Road, Manchester, M22 4WJ

Agent (if any): Mr Ryan Forber Plans 2 Extend The Print Centre, Johnson Street, Atherton, M46 0RB

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13th June 2022

Application details

Type of application:	Certificate Lawful Development Proposed
Development type:	Certificates of lawfulness
Date of site visit:	Not required
Standard consultations:	Printed: 4 May 2022 Expired: 25 May 2022
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 site relates to a two storey semi detached property in the Northenden ward area of Manchester. The property is surrounded by similar type properties which have front and rear gardens and off road car parking spaces.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in character.

Description of development

The Certificate of Lawful Development has been applied for as the applicant wishes to gain confirmation that a Certificate of Lawful Development for the installation of two rooflights to the front slope constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 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'

Consultations & Notification Responses

Local residents – Not required

HS2 - have no specific comments on the proposal, it should also be noted that this is an exempt application under the Safeguarding Directions.

Issues

The Town and Country Planning, Schedule 2, Part 1, Class C - Permitted development - Other alterations to the roof of a dwellinghouse

Development not permitted

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Assessment

The rooflights within the front elevation must be assessed under The Town and Country Planning, Schedule 2, Part 1, Class C - Permitted development - Other alterations to the roof of a dwellinghouse. The rooflights do not protrude more than 0.15 metres beyond the plane of the slope of the original roof. It would not result in the highest part of the alteration being higher than the highest part of the original roof. It does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

As the proposed changes 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) Approve on the basis that the proposed roof lights as shown on existing and proposed drawing 180222D received 19th April 2022 constitutes permitted development in accordance with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: SOUTH