

Planning

Growth & Development

Delegated officer report for planning application

Application no. 145165/LP/2026

Date registered valid: 18 February 2026

Proposal: New glazed sliding doors to the existing ground floor rear elevation, with a new rear access landing and steps. Installation of two new windows to the existing rear utility room, replacement side window to the loft space, and larger replacement rooflights to the main roof. Internal modification to the kitchen area and bathrooms.

Address: 39 Zetland Road, Manchester, M21 8TJ

Ward(s): Chorlton Park Ward

Applicant: Mr Tom McDonnell

Agent (if any): Mrs Stephanie Procter MAST Architecture Ltd

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

Recommendation: Split - Approve and Refuse

Date of recommendation: 1 April 2026

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

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

Application site relates to a two-storey semi-detached dwellinghouse, located within a predominantly residential area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a certificate of proposed lawful development for new glazed sliding doors to the existing ground floor rear elevation, with a new rear access landing and steps. Installation of two new windows to the existing rear utility room, replacement side window to the loft space, and larger replacement rooflights to the main roof. Internal modification to the kitchen area and bathrooms.

Consultations & Notification Responses

None Required - There is no statutory requirement to consult third parties including neighbours; views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Planning History - There have been no previous planning applications at this address.

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

- (1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or
- (2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *“If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”* In doing so, the LPA will not only consider whether the proposal would involve “development” requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use of buildings or other land (s192(1)(a) or operations proposed to be carried out in, on, over or under land, (s192(1)(b) would be lawful for planning purposes.

The applicant states that the existing use falls under: “C3 – *Dwellinghouses*” and in response to the question “Why do you consider that a Lawful Development Certificate should be granted for this proposal?”, the applicant has responded with;

“The works are to the rear elevation and roof only of the existing dwelling. It is not within a conservation area or greenbelt.”

Legal Framework

The applicant is seeking a certificate of proposed lawful development for new glazed sliding doors to the existing ground floor rear elevation, with a new rear access landing and steps. Installation of two new windows to the existing rear utility room, replacement side window to the loft space, and larger replacement rooflights to the main roof. Internal modification to the kitchen area and bathrooms.

The proposed new glazed sliding doors to the existing ground floor rear elevation, with a new rear access landing and steps. Installation of two new windows to the existing rear utility room, replacement side window to the loft space will be considered under Class A of the Town and Country (General Permitted Development) Order 2015 (as amended), which is the relevant legislation for determining the enlargement, improvement, or other alterations to dwellinghouses.

Under Class A, "the enlargement, improvement, or other alterations of a dwellinghouse," the status of the original house needs to be taken into account, as this establishes the base from which all measurements should be taken. According to the Order, the term "original" means:

- In relation to a building existing on 1st July 1948, as existing on that date.
- In relation to a building built on or after 1st July 1948, as so built.

The Assessment

The proposal comprises of multiple parts, the assessment below states whether the particular part complies with either Class A or Class C of the Town and Country (General Permitted Development) Order 2015 (as amended). Where the part of the proposal does not comply, the assessment will explain which paragraph it fails to comply with.

The following table outlines the compliance of the proposed development with the relevant paragraphs of Class A:

Description	Complies with Class A
Part A: New glazed sliding doors to the existing ground floor rear elevation	No – The proposal involves the installation of a new glazed sliding doors to the rear elevation which is substantially larger and differs in shape and style from any existing openings, means the proposal fails to meet the requirement for materials and features to be of a similar appearance. The door fails to comply with paragraph A.3(a).
Part B: New rear access landing and steps	No – The proposal involves the installation of a verandah which is 817mm in height and would therefore fail to comply with paragraph A.1 (k) (i) as the proposal involves the construction or provision of a verandah, balcony, or raised platform.

Part C: Installation of two new windows to the existing rear utility room	Yes
Part D: Replacement side window to the loft space	No – Fails to comply with paragraph A.3(b) (i) as there is no indication that the window would be obscurely glazed. Furthermore the window appears to be side opening and thus would fail paragraph A.3(b) (ii) which requires (ii) the window to be 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.

The following table outlines the compliance of the proposed development with the relevant paragraphs of Class C:

Description	Complies with Class C
Part D: Larger replacement rooflights to the main roof	Yes.

Internal Works

Section 55 of the Town and Country Planning Act 1990 set out the meaning of development and new development.

Section 55(2)(a) states that the “*following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land —*

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,”

In this case, the external works have been considered in the earlier assessment of this report, whereas the modification to the kitchen area and bathrooms relates to the interior. This element of the proposal would not constitute development requiring planning permission.

Conclusion

As demonstrated above, parts of the proposed works meet the requirements of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, there are also parts that do not.

It is therefore recommended that a split decision is issued granting the parts that accord with Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and refuse those part that do not.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Split - Approve and Refuse

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

Approve

Utility Room Windows

1) The installation of two new windows to the existing rear utility room as shown on drawings 0221-MASTA-DR-A-0301 and 0221-MASTA-DR-A-0501 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).

Rooflights

2) The installation of two replacement rooflights to the main roof as shown on drawings 0221-MASTA-DR-A-0301 and 0221-MASTA-DR-A-0501 constitutes permitted development in

accordance with Part 1, Schedule 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Internal Alterations

3) Alterations that affect "only the interior of the building" are not development by reason of section 55(2)(a) of the Town and Country Planning Act 1990, as the modification to the kitchen area and bathrooms relates to the interior, this element of the proposal would not constitute development.

Refuse

Sliding Door

4) The proposed glazed sliding door to the ground floor rear elevation as shown on drawings 0221-MASTA-DR-A-0301 and 0221-MASTA-DR-A-0501, does not constitute permitted development as it fails to comply with Part 1, Schedule 2, A.3(a) of the Town and Country (General Permitted Development) Order 2015 (as amended).

The proposed glazed sliding doors to the rear elevation which is substantially larger and differs in shape and style from any existing openings, means the proposal fails to meet the requirement for materials and features to be of a similar appearance.

Rear Landing and Steps

5) The proposed rear access landing and steps as shown on drawings 0221-MASTA-DR-A-0301 and 0221-MASTA-DR-A-0501 does not constitute permitted development as it fails to comply with Part 1, Schedule 2, A.1(k)(i) of the Town and Country (General Permitted Development) Order 2015 (as amended).

The proposal involves the construction or provision of a raised platform.

Loft Side Window

6) The replacement side window to the loft space as shown on drawings 0221-MASTA-DR-A-0301 and 0221-MASTA-DR-A-0501 does not constitute permitted development as it fails to comply with Part 1, Schedule 2, A.3(b) (i) and (ii) of the Town and Country (General Permitted Development) Order 2015 (as amended).

The no indication as to whether the replacement side window would be obscurely glazed, but it is shown to be side opening, hinged to the right; the parts of the window which can be opened are also shown to be less than 1.7 metres above the floor of the room in which the window is installed.

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
Area Team Boundary - Name: SOUTH AREA