

Planning

Growth & Development

Delegated officer report for planning application

Application no. 144640/LP/2025
Date registered valid: 28 November 2025
Proposal: Construction of single storey extension to rear elevation
Address: 114 Wellington Road, Old Moat, Manchester, M14 6AR
Ward(s): Old Moat Ward

Applicant: Ms Chris Byrne Manchester Rent-a-Home Ltd
Agent (if any): Mr Ian Turnbull Concept Building Design Services Ltd
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 20 January 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 in a predominantly residential area of Manchester.

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 a single storey rear extension.

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.

Issues

Planning History - There have been three previous of planning applications at this address;

Application Reference 114902/PDE/2016 – This application was returned on 5 January 2017, as the proposed single-storey rear extension required planning permission.

Application Reference 076661/FH/2005/S1 – Planning permission was granted on 1 March 2006 for a single-storey side extension and a two-storey rear extension.

Application Reference 057628/FH/SOUTH1/99 – Planning permission was granted on 16 November 1999 for a single-storey side extension to form a kitchen, bathroom, and study.

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 or operations would be lawful for planning purposes.

The applicant is seeking a certificate of proposed lawful development for a single-storey rear extension.

The Assessment

The proposal 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.

The applicant seeks to extend the dwellinghouse by way of a single-storey rear extension, infilling the space between the shared boundary with No. 116 Wellington Road and the existing kitchen and lounge area of the property, in order to form a garden room.

When assessing the criteria of for a single storey extension under Schedule 2, Part 1, Class A of the above Order, the proposal must comply with all of the requirements to be permitted development; this includes all conditions, limitations or restrictions.

In paragraph A.1(ja) of the Order, development is not permitted where *“any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)”*.

In sub-paragraph A.1(e)(ii) development is not permitted where the *“enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse”*.

In sub-paragraph A.1(i) development is not permitted where the *“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”*.

In sub-paragraph A.1(j) development is not permitted where *“the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse...,”* and *“...(iii) have a width greater than half the width of the original dwellinghouse”*.

In the interpretation section of the Order the word "original" is stated to mean - (a) in relation to a building existing on 1 July 1948, as existing on that date; (b) in relation to a building built on or after 1st July 1948, as so built.

The planning history of the site reveals that the property has previously been extended by a single-storey side extension and a two-storey rear extension, approved under planning application reference 076661/FH/2005/S1. A comparison of the drawings associated with that permission (image 1) and the existing drawings submitted as part of the current application (image 2) indicates that the property has been extended in accordance with the approved plans. The proposed single-storey rear extension will be attached to this existing enlargement.

Accordingly, the proposal (i.e. the total enlargement of the original dwellinghouse) would not meet the criteria of sub-paragraphs (e), (i) and (j), as a result of the requirements under sub-paragraphs (ja), insofar as it will:

- extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse;
- be within 2 metres of the boundary of the curtilage of the dwellinghouse with an eaves height exceeding 3 metres;

- extend beyond the side wall of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.

The proposal does not satisfy all the conditions and limitations and is therefore not permitted under the Order and an application for planning permission is required.

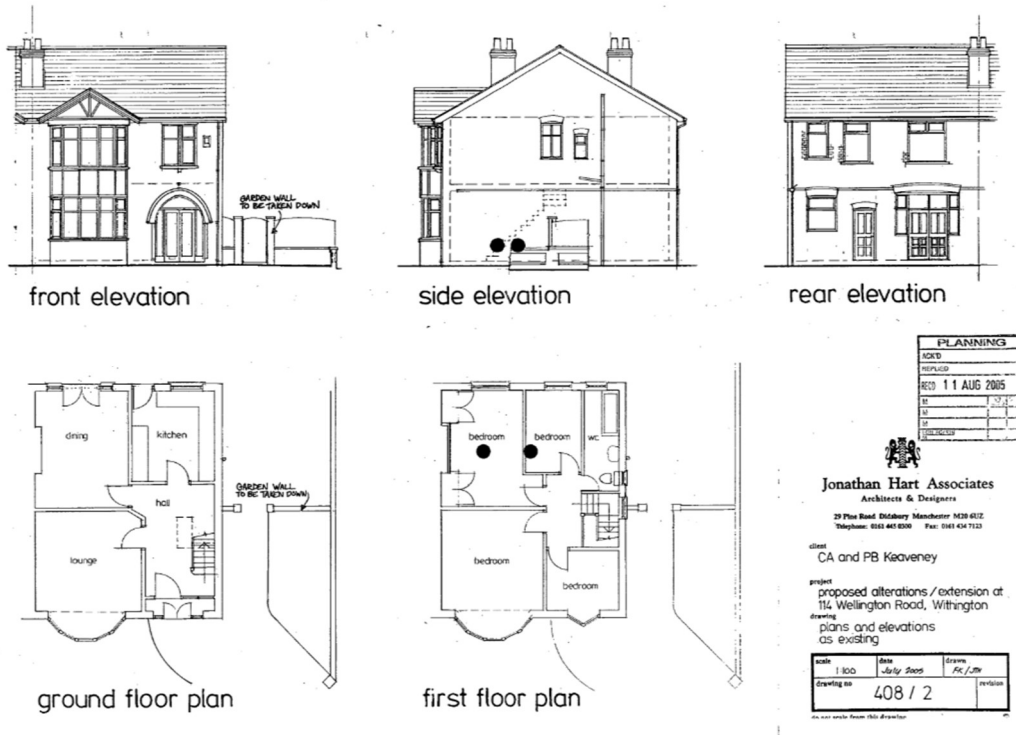


Image 1 Existing elevations and floor plans submitted as a part of planning application reference: 076661/FH/2005/S1.

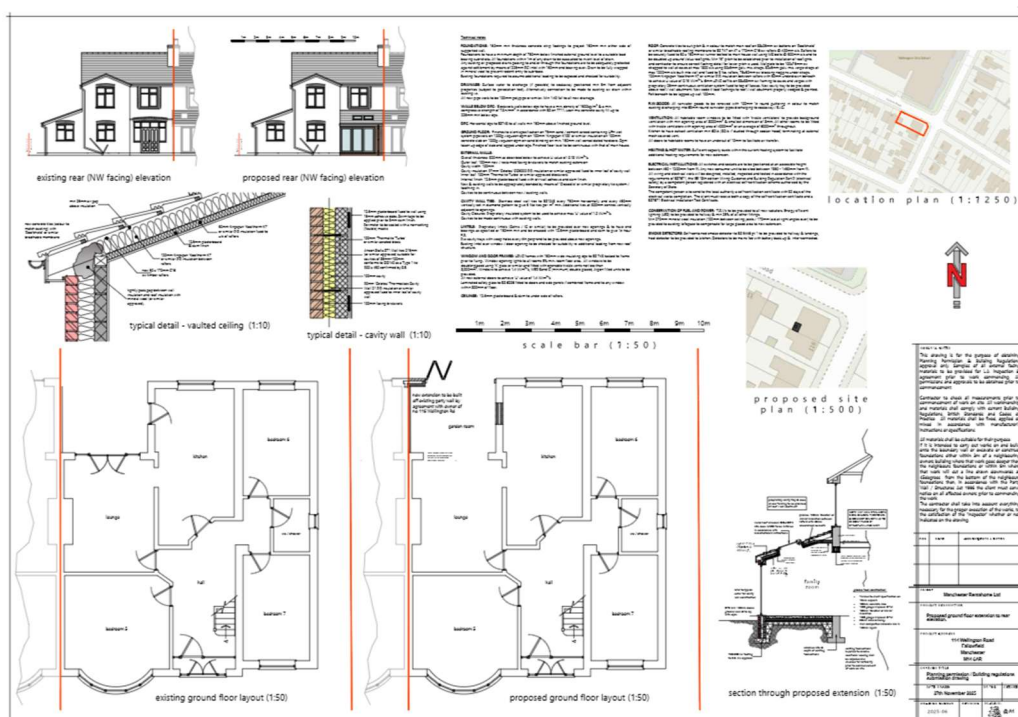


Image 2 Existing and proposed ground floor plan and rear elevation as submitted.

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: Refuse

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

The proposed single-storey rear extension, as shown on drawing 2025-06, will be attached to an existing enlargement to the original dwelling and would not meet the criteria of sub-paragraphs (e), (i) and (j), as a result of the requirements under sub-paragraphs (ja). The proposal does not satisfy all the conditions and limitations and is therefore not permitted under Part 1, Schedule 2, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and an application for planning permission is required.

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

Flood Zones Type 2 (low to medium risk) -

Flood Zone Plus Climate Change -

Main River Consultation Zone -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA