Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-000349
Application type:	Lawful development: Proposed use
Proposal:	Erection of a dormer to the rear
Site address:	29 Kingsway Avenue Manchester M19 2DH
Ward(s):	Rusholme
Date application valid:	14 May 2026
Applicant name:	Mr Harry Singh
Agent (if any):	Soreen Billbas
Case officer:	Matthew Kilsby
Recommendation:	Grant
Date of recommendation:	10 June 2026

Description of site, building and/or area

N/A

Description of development

The applicant is seeking a certificate of lawful development for the proposed erection of a rear dormer.

Relevant planning history

N/A

Consultation, notification and publicity responses

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

Relevant Legislation

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 applicant’s 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.

Assessment

Schedule 2, Part 1 Class B of the Town and Country (General Permitted Development) Order 2015 (as amended) sets out that the enlargement of a dormer by erecting a dormer is permitted development if it complies with a number of limitations and conditions.

In this instance, the proposed dormer will comply with sub-paras. B.1(a) to (h), together with conditions B.2(a) to (c).

Conclusion

Based on the assessment above the certificate should be granted because the erection of the dormer is Permitted Development and does not require planning permission.

Recommendation: Grant

The proposed rear dormer as shown on drawings B2602-102 and B2602-103 constitutes permitted development in accordance with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to compliance with the requirements of conditions B.2.