

Planning

Delegated Officer Report

Summary of application details

Application reference:	145673/LP/2026
Application type:	Lawful development: Proposed use
Proposal:	Conversion of existing detached garage into garden room and conversion of carport into a store and utility/boot room.
Site address:	5 Dene Park Manchester M20 2GF
Ward(s):	Didsbury West
Date application valid:	13 April 2026
Applicant name:	Mr Andrew Bennie
Agent (if any):	Mr David Slater
Case officer:	Robert Tyrer
Recommendation:	Split
Date of recommendation:	09/06/2026

Description of site, building and/or area

The application site relates to a two storey semi-detached dwellinghouse located in a residential area.

Description of development

The applicant is seeking a certificate of lawful development for the proposed conversion of existing detached garage into garden room and conversion of carport into a store and utility/boot room.

Relevant planning history

Consultation, notification and publicity responses

Consultations

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.

Notifications and publicity

Negotiations

Relevant policies

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 than 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 proposal will be considered under Schedule 2, Part 1 Classes A and E 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

and for determining proposals for buildings etc incidental to the enjoyment of a dwellinghouse respectively.

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.

Class A – enlargement, improvement or other alteration of a dwellinghouse

Development not permitted

A.1 Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres,
or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(i) 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;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

(ja) 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);

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe,
or

(iv) an alteration to any part of the roof of the dwellinghouse.; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) 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 (b) and (c).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) 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;
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

A.4 – These conditions relate to development permitted under Class A, where the proposal exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). As the proposal is not being considered under a prior approval application for a larger single storey rear extension these conditions are not applicable and have therefore not been included in this assessment.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E 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 total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—

- (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna;
- (j) the capacity of the container would exceed 3,500 litres.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Assessment

Conversion of carport into a store and utility/boot room.

Schedule 2, Part 1 Class A of the Town and Country (General Permitted Development) Order 2015 (as amended), does not permit conversion, however, it does permit enlargement, improvement, or other alterations to dwellinghouses.

The submitted drawings indicate that the car port that garage door would be installed on the front elevation to a proposed storage area which would be separated by an internal door and wall from the proposed utility/boot room. The rear elevation of the proposed utility boot room is shown as a door and wall. These external elevation alterations are considered to meet the requirements as set out within sub paragraphs A.1(a) to (l).

Proposed conversion of existing detached garage into garden room

Class E(a) grants permission for any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Where the building is an existing one, its "...maintenance, improvement or other alteration..." must still comply with the limitations of Class E; sub-paragraphs (a) through to (k). The submitted proposed drawings clearly, show external alterations to the existing garage structure in order to convert it from a garage into a garden room. Sub-paragraph E.1(e)(ii) does not permit development within 2 metres of the boundary where the height exceeds 2.5 metres. The existing garage is within 2 metres of the boundary and has a dual pitched roof to a height of 3.24 metres. Therefore, the height of the building which is proposed to be improved or altered exceeds a height of 2.5 metres and as such the proposed alterations would require planning permission, as they would be to a building that fails to comply with the limitations of E.1(e)(ii).

Conclusion

Based on the assessment above the certificate should be granted for the elevational alterations associated with the conversion of the car port, however the elevational alterations associated with the conversion of the existing detached garage into a garden room should be refused.

Recommendation: Split – Approve and Refuse

Reasons for approval

- 1 The proposed elevational alterations associated with the conversion of carport into a store and utility/boot room as shown on drawings 2026-03-01-04, 2026-03-01-06 and 2026-03-01-07, constitutes permitted development in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to compliance with the requirements of condition A.3(a).

Reasons for Refusal

- 1 The height of the existing garage which is proposed to be improved or altered to form a garden room, is situated within 2m of the boundary and exceeds a height of 2.5 metres; as such, the proposed alterations associated with the conversion of the garage, would be to a building that fails to comply with the limitations of sub-paragraph E.1(e)(ii) of Schedule 2, Part 1 Class E of the Town and Country (General Permitted Development) Order 2015 (as amended). Planning permission would therefore be required.