MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-000085
Application type:	Lawful development: Proposed use
Proposal:	Erection of a single storey rear extension, together with a loft conversion and the installation of two rear rooflights
Site address:	52 Yattendon Avenue, Manchester, M23 9ES
Ward(s):	Brooklands
Date application valid:	27 April 2026
Applicant name:	Mr Shobhit Dwivedi
Agent (if any):	Mr Andrew Dyson
Case officer:	Robert Tyrer
Recommendation:	Grant
Date of recommendation:	17 June 2026

Description of site, building and/or area

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

Description of development

The applicant is seeking a certificate of proposed lawful development for a single storey rear extension, together with a loft conversion and the installation of two rear rooflights

Relevant planning history

Consultation, notification and publicity responses

Consultations

Notifications and publicity

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.

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.

Assessment

The applicant is seeking a certificate of proposed lawful development for a single storey rear extension, together with a loft conversion and the installation of two rear rooflights

Single Storey Rear Extension
The proposed single storey rear extension 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 following table outlines the compliance of the proposed development with the relevant paragraphs of Class A:

Paragraph	Development Not Permitted by Class A if:	Complies
A.1 (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).	N/A
A.1 (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).	Yes
A.1 (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.	Yes
A.1 (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.	Yes
A.1 (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.	Yes
A.1 (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.	Yes
A.1 (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.	N/A
A.1 (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 opposite the rear wall of the dwellinghouse.	Yes
A.1 (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.	Yes
A.1 (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;	Yes

Paragraph	Development Not Permitted by Class A if:	Complies
	(ii) have more than a single storey; or (iii) have a width greater than half the width of the original dwellinghouse.	
A.1 (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).	Yes
A.1 (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.	Yes
A.1 (l)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N/A
Additional Conditions for Article 2(3) Land		
A.2(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.	N/A
A.2 (b)	The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse	N/A
A.2 (c)	The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
Conditions for Permitted Development		
A.3(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.	Yes
A.3(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.	N/A
A.3(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.	N/A

Rooflights

The proposed rooflights will be considered under Part 1, Schedule 2, Class C of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) - the relevant legislation when considering other alterations to the roof of a dwellinghouse.

Class C – Other Alterations to the Roof of a Dwellinghouse

Development Not Permitted if

Paragraph	Development Not Permitted by Class C if:	Complies
C.1 (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).	N/A
C.1 (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.	Yes
C.1 (c)	It would result in the highest part of the alteration being higher than the highest part of the original roof.	Yes
C.1 (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.	Yes
C.1 (e)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N/A

Conditions

Paragraph	Development Not Permitted if:	Complies
C.2 (a)	Any window located on a roof slope forming a side elevation of the dwellinghouse must be obscure-glazed.	N/A
C.2 (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.	N/A

Loft Conversion

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 loft conversion relates to the interior. This element of the proposal would not constitute development requiring planning permission.

Conclusion

The certificate should be granted based on the outcome of these assessments.

Recommendation: Grant

Reasons for approval

1 The proposed single-storey rear extension as shown on drawing 25029-DR-C-0101 Revision P3, 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).

2 The proposed two front rooflights, as shown on drawing 25029-DR-C-0101 Revision P3 constitutes permitted development and would comply with Part 1, Schedule 2, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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 loft conversion relates to the interior, this element of the proposal would not require planning permission.