

DELEGATED REPORT

Report by Sam Summers	Date of report: 22/03/2024	Ref: 70351/LDCP
Registration: 22/12/2023	LDFC:	Expiry Date: 16/02/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed - loft conversion with rear dormer and change of use from single house (C3) to 5-person 5-bed HMO (C4)

Location: 116 Church Street West, Radcliffe, Manchester, M26 2BY

Description

Lawful development certificate for proposed - loft conversion with rear dormer and change of use from single house (C3) to 5-person 5-bed HMO (C4)

Relevant Planning History

None

Publicity

Objection Received - Will bring a total loss off this nice community. Bringing in troubles, vandalism, parking issues, refuge issues. This development as been going on since May/june 2023. And now the owner is only put in the planning. We should have been notified right from the start.

Comment received - clarify number of bedrooms and the front/rear elevations

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

Issues and Analysis

The High Court ([2022] EWHC 2051 (Admin)) has confirmed that houses in multiple occupation (HMOs) falling under Use Classes C4 benefit from the same permitted development rights that are available to C3 dwellinghouses, so long as they are not flats.

Rear Dormer

There have been no extensions to the main roof of this dwellinghouse or other extensions. As such there is a full volume allowance of 50m3.

The dwelling is not Listed nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development rights have not been removed.

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The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

There have been no previous roof extensions and development would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

The proposed roof extensions would not be higher than the highest part of the original roof.

The volume of the proposed rear dormer extension would be 15.13 m³ (cubic metres).

The proposed dormer extension would be set back from the eaves by not less than 200mm.

There are no side windows proposed.

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Change of use

Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a permitted change of use between dwellinghouses in Use Class C3(a) and small HMOs in Use Class C4 (up to 6 persons living as a single household) and vice versa

Permitted development:

Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use

Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule

to the Use Classes Order of any building previously used as a single dwellinghouse falling within

Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

There is no planning history or any other evidence that the building has only ever been in lawful use as single dwellinghouse. As such on the balance of probability the building is in domestic use class C3(a) and so would qualify for the permitted development right. Permitted Development Rights have not been removed.

The submitted proposed floor plans show an additional two bedrooms with a smaller bathroom with all the communal spaces and facilities retained. As such the building would

capable of being occupied by up to 6 individuals as a single household. Therefore the proposed change of use would be lawful.

Response to neighbours

The planning issues raised in the objection cannot be considered as part of this application as it is a lawful development certificate. The applicant has confirmed that some refurbishment has taken place but the dormer has not yet been constructed and the use has not yet begun. There is no requirement to notify neighbours on lawful development certificates.

The elevation plan has been amended to avoid any confusion. The number of bedrooms has been clarified as 5 and proposed plans provided to show this. In any case an application for 4 or 5 bedrooms would be permitted

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is deemed to be 'Permitted Development' having regard to Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in that it falls within the limitations Part 1 Class B & Part 3, Class L
- 2 The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse as required by condition B.2(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	22/03/2024	HL	22/03/24