

Officer Report

Case Reference: PL/2026/0546
Location: 22 ROSTHWAITE CLOSE, MIDDLETON, MANCHESTER, M24 4NT
Proposal: Certificate of lawfulness for a proposed change of use of an existing C3 Dwellinghouse to a C4, 4 bedroom, 4 person House in Multiple Occupation (HMO) and addition of single storey rear extension
Recommendation: Permitted Development
Officer: Nick Brookman

SITE

The application relates to no.22 Rosthwaite Close which is a two-storey terraced property located in an entirely residential area of Middleton.

PROPOSAL

Application for a certificate of lawfulness for the change of use from a dwellinghouse (C3) into a 4 bedroom HMO (C4). The proposed development also comprises the construction of a single storey extension projecting 3m off the existing rear elevation and measuring 2.55m to the eaves with a maximum height of 3.73m.

PLANNING HISTORY

N/A

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990)

S.55 - Meaning of “development” and “new development”

S.192 - Certificate of lawfulness of proposed use or development

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“the UCO Amendment Regulations”)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications and Planning Practice Guidance no publicity was undertaken for this application.

However, a number of objections were received which raised the following comments:

1. Parking is already limited.
2. No notification received.
3. Workmen on site commencing before 8am.
4. Extension blocking view and light.
5. There are young children and women on the street who need to be safeguarded.
6. Lack of evidence that the property meets the requirements for C4 Classification.
7. Impact on neighbourhood character and residential amenity.
8. Increased noise.
9. Request for full explanation why the proposed development was approved and evidence used to justify the reclassification.
10. Request for confirmation of whether any Article 4 Direction applies in this area.
11. A formal review of the decision.
12. Waste management concerns.
13. Bins already left out and overflowing.
14. The scale of the proposed extension, together with the intended HMO use, appears to represent a cramped form of development that raises concerns about whether the property can comfortably accommodate the proposed changes without adversely affecting neighbouring amenity and the overall character of the street.

The application is for a certificate of lawfulness and thus any comments relating to material planning considerations under a planning application do not apply.

ANALYSIS

S.55(1&1A) of the Town and Country Planning Act 1990 (the Act) sets out the meaning of development as:

“Development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act “ building operations ” includes—

a) demolition of buildings;

b) rebuilding;

c) structural alterations of or additions to buildings; and

d) other operations normally undertaken by a person carrying on business as a builder.

S.55(2) goes on to set out a number of operations or uses of land which are not taken for the purposes of the Act to involve development. This includes:

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,

The proposed changes to the internal layout are not considered development and the proposed external alterations are assessed below.

The Town and Country Planning (Use Classes) Order 1987 schedule Part C Class C3 sets out the use of a dwellinghouse:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Class C4. Houses in multiple Occupation

Use of a dwellinghouse by not more than six residents as a HMO

The proposal would convert the dwellinghouse (C3) into a 4-bedroom HMO. This would fall under the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not considered that the proposal would result in a material change.

Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015

L. 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.

This proposal is a permitted change of use under permitted development as long as the works are carried out in accordance with the description of development and plans.

EXTERNAL ALTERATIONS

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a house subject to it not being contrary to any of the following criteria: (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO.

COMPLIES

(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).

COMPLIES

(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.

COMPLIES

(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.

COMPLIES

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

(i) Forms the principal elevation or

(ii) Fronts a highway and forms a side elevation of the original dwellinghouse.

COMPLIES

(f) Subject to Paragraph (g), the enlarged part of the dwellinghouse would have a single storey and 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 exceed 4 metres in height.

COMPLIES

(g) For a dwellinghouse not on article 2(3) land or 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.

COMPLIES

(h) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

COMPLIES

(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.

COMPLIES

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse; or

COMPLIES

(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));

COMPLIES

(k) it would consist of or include

(i) the construction or provision of a veranda, 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

COMPLIES

(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;

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

(ca) 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)

COMPLIES

Conditions

Paragraph A.3 of the above order stipulates that 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;

COMPLIES

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; and

COMPLIES

c. Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

COMPLIES

DECISION: PERMITTED DEVELOPMENT

Reason: The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 1 Class A and Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Recommendation: Permitted Development

Approval Reason(s) (1)

- 1 The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 1 Class A and Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informatives (1)

In the avoidance of doubt, this certificate relates to the following set of plans:

- 2
 - Location Plan dated 15th June 2026
 - Existing Site Plan Drawing no 02A
 - Existing Floor Plan Drawing No 03
 - Existing Floor Plan Drawing No 04
 - Existing Elevations Drawing No 05
 - Existing Section A-A Drawing No 06
 - Proposed Site Plan Drawing No 07A
 - Proposed Floor Plan Drawing No 08A
 - Proposed Floor Plan Drawing No 09A
 - Proposed Elevations Drawing No 10A

- Proposed Section A-A Drawing No 11A