

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131698/JO/2021

Date registered valid: 20 September 2021

Proposal: Variation of Conditions 2 (Specified Plans) and 3 (Materials) attached to planning permission 125841/FH/2020 to allow design changes and the addition of two side facing dormers and glazed canopy

Address: 8 Darley Avenue, Manchester, M20 2XF

Ward(s): Didsbury West Ward

Applicant: Wilson, 8 Darley Avenue, Manchester, M20 2XF

Agent (if any): Mr Simon Casey, BlueChip Architecture Ltd 18 Botany Road, Winton, Manchester, M30 8JS

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 December 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 28 October 2021

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 23 September 2021 Expired: 14 October 2021

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a large detached villa of red brick and grey slate, with white render to the side elevations. The property features bay windows with stained glass detailing, a porch, a large driveway, front and rear gardens and an existing single storey rear extension (108143/FH/2015/S2).

Description of area

Darley Avenue is a leafy residential road which runs from Chorlton to Didsbury, close to the River Mersey. The houses along the Didsbury West portion of the road are large and vary in style and scale. The area benefits from its proximity to the bars, shops, eateries and transport links of Burton Road and plenty of green space.

Description of development

The applicant gained permission last year to demolish their garage and replace it with a new detached double garage featuring a mezzanine floor above, under ref 125841/FH/2020. This application seeks to make design changes to the garage, including two side-facing dormers, solar panels and different materials.

Consultations & Notification Responses

Local residents, as per appendix 1 – One letter of objection received, which raised the following concerns:

- Harm to street scene and a terracing effect, due to dormers

- Harm to neighbouring occupiers' view from side-facing windows, due to 'unattractive' solar panels and glass roof
- Increased footprint, due to glass roof
- Potential noise and disturbance, due to the additional living accommodation and increased patio

West Didsbury Residents Association – No objection to the changes.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 - Achieving well-designed places

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle – The principle of installing dormers and solar panels, reducing the height and making elevational and material changes to the approved design is acceptable, however consideration must be given to the proposals siting, scale appearance and impact upon existing levels of residential and visual amenity.

Siting, scale and design – Two small box dormers project from the side of the garage roof, facing the dwellinghouse. These are to provide additional headspace within the mezzanine floor of the garage, which contains space for 2 cars and a w/c on the ground floor and a media room and study on the mezzanine floor, ancillary to No.8. These dormers project 2m to the side, with a height of 1.2m, set 0.84m in from the front gable, set 0.46m from the eaves and 0.81m from the ridge, hence they are deemed subservient. The solar panels would occupy the opposite slope, facing No.6, and do not require consent as they accord with permitted development. Originally the garage was proposed to be rendered in white, with a port hole window in the front gable at mezzanine level. The revised scheme has removed this window and instead features hanging tiles to the top half of front gable, to tie in with the principal elevation of the main house. A new glass roof is proposed which would infill the space between the boundary wall and the rear hipped roof overhang (over the patio), which would be to shield the outdoor hot tub from rain. The final change is the slight reduction in overall height of the garage, from the approved 5.4m to 5.2m. This would be classed as a non-material change due to the fact a lower ridge would have less impact than the approved height.

Visual amenity – The glass roof is located at the rear and therefore does not feature within the street scene. The solar panels, given their low profile and siting on a side slope, are also

unlikely to be readily visible from the street. The omission of the port hole window, which is not a common feature of the area, is not considered an issue. The use of hanging red tiles to the front elevation, instead of white render, is welcomed as this is more in-keeping with the character of the property and wider area than the previously approved design. The grey clad dormers are relatively small in scale and due to their siting, height, setback and orientation towards the main property, they are not considered to form an overly dominant or alien feature within the street scene of Darley Avenue. The objector raised concerns regarding terracing arising from the proximity of the dormers to the main dwelling, which leave a gap of 0.8m to the side elevation of No.8. This is not deemed to result in a terracing effect as the gap to No.6 is not affected by the dormers. West Didsbury Residents Association had no objection to the amended application. The house is not listed nor is it located within or adjacent to a conservation area, hence the revised scheme is not considered to cause significant harm in terms of visual amenity, particularly as the changes, though material, are not deemed a drastic departure from the approved plans under ref 125841/FH/2020.

Residential amenity – The objection received from a local resident raised concerns regarding the perceived impact this proposal would have on the residential amenity currently enjoyed by the neighbouring residents. They objected to the glass roof over the hot tub, citing an increase in footprint, however did not explain why this small increase would be harmful. The glass roof would not overshadow neighbouring properties. The objector stated that this and the solar panels would harm the view of those living at No.6 as they would be visible from their side-facing windows, however residents do not have a right to a view and these features would not interrupt the outlook of those living nearby. The objector also raised concerns regarding potential noise and disturbance arising from the use of the hot tub and living space within the garage, however these elements were already previously approved and as the garage would be ancillary to the main dwellinghouse, any noise related to this use is considered acceptable in line with the use of any C3 family dwellinghouse and it would be onerous to condition this use. It is not considered that the revised proposal would cause undue harm to the residential amenity currently enjoyed by neighbouring occupiers, pursuant to policies DC1, SP1 and DM1.

Conclusion – The proposal complies with policies DM1, DC1, SP1 and the NPPF and, despite the objection from a local resident, it is not considered to significantly negatively impact the existing levels of residential amenity enjoyed by neighbouring occupiers nor harm the visual amenity of the area to a degree what warrants refusal, therefore the development is deemed acceptable and may commence in accordance with the following conditions.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a

decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the applicant/agent to reach a satisfactory resolution.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of planning permission reference 125841/FH/2020, that date being 27th May 2020.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the revised drawings numbered '201 Rev F', '210 Rev E' and '211 Rev F', stamped as received by the City Council as Local Planning Authority on the 1st December 2021.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the garage and boundary wall hereby permitted shall match those specified on the submitted drawing '210 Rev E'.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

6 Darley Avenue, Manchester, M20 2XF
7 Darley Avenue, Manchester, M20 2XE
5 Darley Avenue, Manchester, M20 2XE
10 Darley Avenue, Manchester, M20 2XF
3 Winster Avenue, Manchester, M20 2YG
6 Darley Avenue, Manchester, M20 2XF

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH