MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128503/FO/2020
Date registered valid:	5 November 2020
Proposal:	Part retrospective application for the installation of 2 no. rear roof dormers to form additional living accommodation and elevational alterations to form French doors with a juliet balcony to rear elevation.
Address:	410A Wilbraham Road, Manchester, M21 0SD
Ward(s):	Chorlton Ward
Applicant:	Mr. Riaz Ahmed Ali, 410A Wilbraham Road, Manchester, M21 0SD
Agent (if any):	Mr. Niamat Ali, NA Design, 47 Egerton Road South, Manchester, M21 0YW
Case officer:	Dave Morris Tel: 0161 600 7924 Email: dave.morris@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 02.11.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:
Printed: 16 November 2020 Expired: 7 December 2020

Neighbour notifications
Printed: 6 November 2020 Expired: 27 November 2020

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

This application relates to a three storey mid parade property comprising a commercial ground floor with residential above. The second floor is partially accommodated within the roof void. There is a canopy at the front and a deep forecourt. At the rear is a two storey outrigger shared with the adjoining property. Attached to the side outrigger is a single storey extension beyond which is an approximately 13 metre long rear garden. The property is on the north side of Wilbraham Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located within a small parade of 7 units outside of but contiguous with Chorlton District Centre. There are commercial properties to either side and to the rear, separated by a narrow alley are the rear gardens of residential properties o Silverdale Road.

Description of development

Consent is sought for the erection of two dormers, one on the rear roof slope and one on the outrigger of the property. The dormers have been partially constructed. Both dormers would have a flat roof and be finished in grey composite cladding. There would be two none opening windows in the rear face of the dormer on the rear roof slope which would also have a pair of roof lights. The dormer on the outrigger would have two side windows.
The additional accommodation will enlarge the existing flat above the commercial unit. The existing two flues would be consolidated into a single flue on the rear of the outrigger.



Finally, it is proposed to install a set of French doors in the rear elevation at second floor level with a Juliet balcony.

Consultations & Notification Responses

Local residents/businesses

Two letters have been received objecting to the proposed development. The issues raised are summarised below.
-As so far constructed the dormer appears to be different to that shown on the drawings.
-These are the only dormers on the parade and therefore appear incongruous.
-There will be a loss of privacy
-They have moved the vents from their take away from being directly upwards, to pointing inwards to residential properties, again, something which I can't see as being legal for fumes from kitchens.
-No consultation to my knowledge has been carried out, and no local residents were informed.

Environmental Protection

The drawing show that the windows in the dormer cannot be opened therefore the flue is compliant as it discharges above all openable windows.

This does pose the question of how the dormer is ventilated if the windows cannot be opened, also is there a building regulation issue there too?
A noise condition is required in respect of the relocated flue

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

Whilst there are no similar dormers in the parade these properties are not in a designated heritage area, also a second floor extension was recently constructed above the property at the end of the parade. On balance the principle of the dormers is considered acceptable.

Scale
Both dormers sit within their respective roofs and are considered to be acceptable in principle.

Design
There are no design issues with the dormers. If the dormer is not constructed in accordance with the approved drawings as alleged by the objectors, then the development would be unauthorised.

Flue
The repositioned flue is acceptable in its location on the rear of the outrigger and replaces two existing flues. A condition is proposed in respect of noise.

Ventilation
Concern was expressed about the ventilation of the upper dormer. The applicant has confirmed that there will be two roof lights to provide the necessary ventilation.

French Doors
The proposed French doors and Juliet balcony are considered acceptable in terms of their design and impact on the appearance of the building.

Residential Amenity
The principle issue with the development is noise from the flue which is addressed through a condition and privacy and the dormers will not result in any significant overshadowing of the adjacent properties due to their orientation.

In terms of privacy the rear windows and the proposed French doors face to the rear and would be approximately 19 metres from the rear boundary of the site. Beyond this is an alley before you reach the rear garden of the property to the rear. In view of the distance involved it is considered that there would be no significant overlooking of the properties to the rear. An obscure glazing condition is proposed in respect of the windows in the dormer to the outrigger.

On balance it is considered that there will be no significant loss of amenity arising from the proposed development.

HMO
It is proposed to add the C3 condition to prevent the use of the flat as a HMO.

Conclusion.
On balance it is considered that the proposed development is acceptable.

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 polices 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 way to seek solutions to issues arising from the consideration of this application

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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 following drawings and documents:
NA P01 received 4 November 2020
NA P02 received 18 December 2020

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall be constructed using the materials specified on the approved drawings.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose

(including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

6) Before first occupation the windows in the side elevation of the dormer shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice
Environmental Health

Flat 4, 406A Wilbraham Road, Manchester, M21 0SD
Flat 3, 406A Wilbraham Road, Manchester, M21 0SD
Flat 2, 406A Wilbraham Road, Manchester, M21 0SD
Flat 1, 406A Wilbraham Road, Manchester, M21 0SD
412A Wilbraham Road, Manchester, M21 0SD
Flat 7, 3 Silverdale Road, Manchester, M21 0SH
Flat 6, 3 Silverdale Road, Manchester, M21 0SH
Flat 5, 3 Silverdale Road, Manchester, M21 0SH
Flat 4, 3 Silverdale Road, Manchester, M21 0SH
Flat 3, 5 Silverdale Road, Manchester, M21 0SH
Flat 3, 1 Silverdale Road, Manchester, M21 0SH
Flat 1, 1 Silverdale Road, Manchester, M21 0SH
408A Wilbraham Road, Manchester, M21 0SD
3 Silverdale Road, Manchester, M21 0SH
1 Silverdale Road, Manchester, M21 0SH
Flat 2, 5 Silverdale Road, Manchester, M21 0SH
Flat 1, 5 Silverdale Road, Manchester, M21 0SH
Flat 2, 1 Silverdale Road, Manchester, M21 0SH
408 Wilbraham Road, Manchester, M21 0SD
410 Wilbraham Road, Manchester, M21 0SD
The Creameries, 406 Wilbraham Road, Manchester, M21 0SD
9 Silverdale Road, Manchester, M21 0SH
7 Silverdale Road, Manchester, M21 0SH
11 Silverdale Road, Manchester, M21 0SH
412 Wilbraham Road, Manchester, M21 0SD

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