

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129491/FO/2021

Date registered valid: 23 February 2021

Proposal: Elevational alterations including replacement of existing door, opening up of basement window and insertion of rooflights to front elevation and insertion of bay windows, door and three rooflights to rear with decked area to enable alterations to existing house in multiple occupation

Address: 29 Talbot Road, Manchester, M14 6TA

Ward(s): Withington Ward

Applicant: Mr James Nichols JMKN LLP 7 Broomfield Road, Altrincham, WA15 9AP

Agent (if any): Mr Richard Floyd RJF Design 99 Turves Road, SK8 6AJ

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Permitted Development

Date of recommendation:

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 2 March 2021 Expired: 23 March 2021

Neighbour notifications

Printed: 2 March 2021 Expired: 23 March 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

This application relates to a two storey mid terrace property in use as a large HMO sui generis. The property has a two storey outrigger, and there is a basement and accommodation in the roof space. There is a small front garden and a yard at the rear.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Predominantly residential.

Description of development

The application seeks consent for various works to the property, including the erection of a walk in bay window to the side of the rear outrigger, two roof lights in the front roof slope, two in the outrigger and one on the rear roof slope, a new door in the rear of the outrigger and the reinstatement of the basement window in the front elevation.

The remainder of the works are internal.

Consultations & Notification Responses

Councillor Chris Wills

I write regarding this planning application, reference 129491/FO/2021.

I am writing to object for the following reasons:

- 1) The proposed alterations, particularly the insertion of rooflights to both front and rear, would adversely affect the street scene.
- 2) The area is the subject of an Article 4 Direction, and already contains a large number of HMOs. While this is an existing HMO and no increase to the number of bedrooms is proposed, the extension would create potential for more bedrooms in the future. This would create additional stress in an already high-density area. This therefore goes against Policy H11 of the Council's Core Strategy.
- 3) Increase in occupation would create additional stress in terms of on-street parking.

For the above reasons, I would ask that the application is refused.

Withington Civic Society have objected to the principle of the works which they feel could lead to an increase in occupancy.

Issues

Compliance have confirmed that sui generis HMO's still constitute a dwelling and therefore have PD rights and refers to the [Gravesham judgement](#)

The roof lights, new door and the reopening of the basement window are not development for which planning permission is required.

The walk in bay is situated on the side of the dormer and does not attached to the rear of the property. It is therefore considered against the requirement for a side extension.



The bay is approximately 3.5 metres wide, less than 3 metres to the eaves and less than 4 metres to the highest part of the roof and is less than half the width of the original dwelling.



The bay window would therefore be permitted development.

Conclusion

Having assessed the submitted material it is considered that planning permission is not required for the works.

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: Permitted Development Permitted Development

Article 35 Declaration

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

Appendix 1 – List of consultees & neighbours notified

Withington Civic Society

18 Talbot Road, Manchester, M14 6TB
36 St Georges Road, Manchester, M14 6SZ
44 St Georges Road, Manchester, M14 6SZ
42 St Georges Road, Manchester, M14 6SZ
40 St Georges Road, Manchester, M14 6SZ
38 St Georges Road, Manchester, M14 6SZ
16 Talbot Road, Manchester, M14 6TB
14 Talbot Road, Manchester, M14 6TB
31 Talbot Road, Manchester, M14 6TA
27 Talbot Road, Manchester, M14 6TA

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
Flood Zones Type 2 (low to medium risk) -
Area Team Boundary - Name: SOUTH