

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129265/FH/2021
Date registered valid: 22 February 2021
Proposal: Retention of dormer window
Address: 1 Cape Street, Manchester, M20 3WA
Ward(s): Old Moat Ward

Applicant: Mr J Henry, 1 Cape Street, Manchester, M20 3WA
Agent (if any): Holborow and Ormesher Station House, Adams Hill, Knutsford, Cheshire, WA16 6DN
Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 19.04.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: Photos provided during Covid-19

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 23 February 2021 Expired: 16 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 dwelling that is two storey at the front and three at the rear. There is a two storey outrigger at the rear, the ridge of which is at eaves level on the rear elevation of the main body of the house. Attached to the rear of the outrigger was a two storey workshop, recently demolished and rebuilt as a dwelling and currently the subject of an enforcement investigation. There is a small garden to the front and one side of the property. There is no rear garden or yard and the property does not have any off street parking.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is located within a predominantly residential area. Cape Street is a narrow culs-de-sac, and previously number 1 was the only dwelling on it. Over the years a number of residential development have taken place on the street. To the south separated by a drive leading to a car park at the rear of properties on Mauldeth Road West beyond which is the side elevation of a modern residential property on Cape Street, built as one of a pair of properties in the rear garden of a property on Mauldeth Road West. To the north is the access road to the Stable Yard, a residential development on a former lock up garage site. Adjoining to the rear is the new two storey dwelling which projects into the Stable Yard development and shares their access.

Description of development

The application seeks to retain a dormer installed on the south face of the roof of the outrigger and abuts the rear face of the main building. The dormer does not meet the requirements for permitted development.

The dormer has a flat roof and projects 2.7 metres from the rear face of the main building. It is set in from the eaves and the roof is level with the eaves on the main building. The dormer is finished in dark grey uPVC cladding and has a single window in the south elevation.

Consultations & Notification Responses

Ward members

Councillor Gavin White has written seeking clarification of the planning position regarding the property. He has not raised any objections.

Local residents

One letter has been received objecting to the proposed development. The issues raised are summarised below.

- The dormer window was not part of a previous (and subsequently approved) application.
- The dormer seems out of keeping with the rest of the (approved) development. Its height and position raise privacy concerns.
- Cape Street is tiny-and such an unapproved expansion of the approved development raises the matter of the creation of additional bedrooms. In turn, this raises concerns of over-development, occupancy levels and car parking issues-for the adjoining Stable Yard too.

Southeast Fallowfield Residents Group.

- This property is not currently being used as a family house and it seems obvious that the dormer window has been installed simply to add extra bedrooms to an Airbnb property.
- Formerly this house was a standard family sized semi detached with 4 bedrooms and a bathroom but with extremely limited outdoor space i.e. it only has a very small front garden. If it was a new build today we wonder whether the original 4 bedroomed house would have even been granted planning permission because of this lack of outdoor amenity.
- The dormer extension in the newly created loft means that the house is now 7 bedroomed but still with the same amount of ground floor living space and outdoor amenity. They believe this is over density of use and whatever purpose the house is used for in the future, this level of density (and consequent increase in occupancy levels) will definitely cause harm to the local neighbourhood and affect the quality of life of the occupants.
- To their knowledge, there are also no other houses in this neighbourhood with 7 bedrooms, including those which are detached - with adequate gardens and parking - and so it is completely out of kilter with the rest of the street scene.
- Moreover, Airbnb properties, particularly those with a large number of beds, tend to attract groups of people (usually from multiple households) who are looking for very cheap accommodation. The knock-on effect to the local community is very harmful; it results in more noise, litter and waste management issues than one would expect from a house which is occupied by a family. Transient guests are not vested in the area, don't understand how to recycle and because they are usually not from single households they produce disproportionate amounts of rubbish and noise. In addition, the extra vehicles (cars/work vans etc) cause parking problems and pollution to the local area.

They would also like to draw attention to the fact that there is extremely limited bin store space for the house - the dormer window which means that the house can now accommodate another 3 bedrooms (thereby nearly doubling the occupation levels) will further exacerbate this problem. In addition to the above, allowing such an unbalanced house will make it much more likely that it will be condemned to future airbnb/HMO status thereby reducing available housing stock for long term residents in an area where this type of housing is so desperately needed (and is therefore contrary to MCC's core strategy and the desire to make 'balanced' 'neighbourhoods of choice')

-They do believe that allowing the retention of this dormer window will not contribute to 'the health, safety and wellbeing of residents' and does not 'protect and enhance' the environment and is therefore contrary to SP1 of MCC's core strategy.

Fallowfield Community Guardians

-Do not think that planning permission should be allowed for this because it appears to have been built without planning permission.

-They consider that the dormer window creates lack of privacy for neighbours in Cape Street.

-The dormer is incongruous and out of place and we consider this to be over development within a small residential close.

-The dormer window ruins the character of the area, especially the Stable Yard area.

-The dormer window which was not granted planning permission in 2019 has created more rooms in a property which we believe is now let as an airbnb. The number of people accommodated in airbnbs can be very high and can create excessive noise and nuisance and loss of amenity for neighbours. In areas like Fallowfield, large groups of young people can use these properties for very antisocial gatherings (eg stag and hen parties). Many residents in our group are being affected by a growing number of airbnbs in the area and this causes the loss of much needed family homes. In this case, it seems that additional bedrooms have been created which will potentially have a destructive impact on peace for neighbours.

Policy

Core Strategy

The relevant Core Strategy policies are SP1 and DM1

Policy SP1 sets down the spatial principles that will guide development in the City. The policy establishes the principle of creating neighbourhoods of choice.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development .

Unitary Development Plan.

The relevant saved UDP [policy is DC1. There are no provisions specific to dormers, however, the policy establishes the principle of enlarging a property to meet the changing needs of the occupiers without causing significant harm to the amenity of either neighbouring residents or the wider area.

Issues

Clarification

The dormer the subject of this application relates to the existing house on the site and not the new build property.

Principle

The dwelling currently falls within class C3 and therefore the principle of enlarging the property accords with policy DC1.

Use

It is claimed that the property is used as an Airbnb however, at this time this is a dwelling within class C3 and there has been no change of use. The application therefore must be determined as an extension to a dwelling. The agent has confirmed that the property is not used as a HMO, Airbnb or student accommodation.

Scale

Whilst the dormer is fairly large, planning permission is only required as it is attached to the rear wall of the main building. It is set in from the eaves of the property and is no higher than the ridge of the outrigger. On balance therefore it is considered that the scale of the dormer is acceptable

Design

This is a simple box dormer that nestles against the rear wall of the main house, it is finished in dark grey uPVC cladding not dissimilar in colour to the roof slates. The single window is not dissimilar in proportion to other windows in the property. That it is set in from the eaves gives it a sense of being a dormer rather than a second floor extension. On balance it is considered that the design of the dormer is acceptable.

Residential amenity

Adjoining to the south is an access road and it is therefore unlikely that there would be any overbearing impact. The window however, overlooks the side elevation and rear gardens of the new properties on Cape Street. There is the potential for a loss of privacy arising from this window and it is therefore considered prudent to require it to be obscure glazed.

Conclusion.

The principle concern with this dormer is the potential for overlooking. As this can be addressed through a condition it is considered that refusal and removal of the dormer, given that in all other respects it is acceptable, is not proportionate.

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 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:

2150/21/02 revision A received 26 February 2021

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 dormer hereby approved shall be maintained in the materials specified on the application forms and used in its construction.

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) Within two months of the date of this consent the window in the dormer hereby approved 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

2 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
3B Cape Street, Manchester, M20 3WA
12 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
10 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
8 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
6 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
4 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
1A Cape Street, Manchester, M20 3WA
3A Cape Street, Manchester, M20 3WA
The Coach House, 5 Cape Street, Manchester, M20 3WA
14 The Stable Yard, 3 Cape Street, Manchester, M20 3WH
12 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
18 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
15 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
20 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
19 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
17 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
16 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB
14 Brooklyn Court, Wilmslow Road, Manchester, M20 3NB

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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH