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Manchester City Council
Planning Department
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Dear Sir/Madam,

Retrospective Application for Planning Permission
Roof Extension at 34 Albion Road, Fallowfield, Manchester

I enclose an application for planning permission to retain a roof extension to 34 Albion Road.

The property is lawfully occupied as a small HMO (class C4) as was the case prior to the extension. As such the extension has not affected the use of the property.

The property is a mid terrace two-storey building with an L-shaped footprint due to the projection of a two-storey outrigger to the rear. The property has a single storey rear extension and a small rear garden, which backs on to Platt Fields Park.

The planning issues raised by the dormer extension fall into two areas; visual appearance and considerations relating to Policy H11 of the Core Strategy.

1. **Visual Considerations**

The dormer extension falls into two parts. The rear facing dormer is set back by 20cm from the eaves, is below the roof ridge line and is clad in brick. As such it meets the conditions set out in class B of the schedule of the General Permitted Development Order 2008.

The dormer over the outrigger retains the ridge height of the outrigger and raises the eaves to create an extension of the side and rear walls in brickwork and a roof clad in slate. The combined volume of the two elements does not exceed 40 cubic metres, so the only variance from the permitted development requirements is the absence of a setback of 20cm from the eaves.

Therefore the visual difference between the extension as constructed and an extension which could be constructed under permitted development rights is that of a marginal setback of the side and rear outrigger dormer from the eaves. This marginal difference has to be considered in the context of the property, which is part of a terrace where there are no windows on nearby properties which have a view of

the extension. Moreover, the rear gardens/yards of the neighbouring properties are extremely small and little used as an amenity area. The extension therefore has no impact in terms of privacy, overshadowing or visual intrusion on the neighbouring properties.

The property backs on to Platt Fields Park which has dense mature planting along the boundary which effectively screens the property from public view. As such the extension has no adverse impact on the wider public amenity.

In order to further integrate its appearance, the extension will be rendered to match that of the rear wall and neighbouring properties. As such, the appearance of the dormer extensions will be better integrated into the fabric of the building than could be achieved under permitted development rights.

Therefore, the dormer extensions are considered to be harmonious and visually acceptable.

2. **Core Strategy Policy H11**

The proposal will be considered under this policy, which states the following:

In areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

The property as extended provides accommodation for 6 bedrooms (within class C4). Without the dormer extensions, the property could accommodate 5 bedrooms and comply with the Council's licensing requirements. This would be achieved by retaining one bedroom within the (unextended) attic and converting the dining room to a bedroom. Therefore without extending the roof, the property is capable of accommodating 5 occupants. This is a fallback position against which to judge the proposal. As such, the difference in occupancy of one person is a minor and insignificant change, which has no material impact on the area.

However, the property does benefit from permitted development rights as a dwelling and as such, the roof could be extended by setting back the dormer walls by 20cm to give an identical level of accommodation to that constructed. Therefore the full potential fallback is for a 6 person property with dormer extensions which comply with the permitted development requirements.

The alterations required to bring the dormer extensions into line with permitted development conditions are relatively straight forward and represents a realistic fallback. The question therefore is whether the adverse implications of the extensions as constructed are sufficiently harmful to warrant the changes to bring the dormer within permitted development parameters.

The fact that the property has dual fallback positions of 5 beds (with no extensions) and 6 beds (with permitted development extensions) is an important material consideration. Of critical importance is the fact that refusal of the application will not restrict the occupation of the property, therefore refusal of the application will not

actually serve the purpose of Policy H11. This is an over-riding material consideration in favour of retaining the extension as constructed.

A further consideration is the fact that the property has existing rights of occupation with the C4 class. This permits the occupation by up to 6 persons living within a HMO. The Council's article 4 direction has no effect on the continued use of this property and the legislation provides flexibility to vary the occupation level within the class. To deny the application would therefore be contrary to the thrust of the enabling legislation which allows flexibility to occupy the property to its full potential as a HMO for up to 6 people.

In summary, the design of the dormer extension is better integrated than a permitted development equivalent and has no adverse effects on amenity. Refusal of the application will not achieve suppression of occupancy numbers due to the legitimate fall back option.

It is therefore submitted that there are no compelling reasons to refuse the application and it is requested that permission should be granted.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

Stephen Lamb DipTP MRTPI