

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142979/FH/2025

Date registered valid: 14 July 2025

Proposal: Alterations to dormer including replacement of side window, re-instatement of eaves and changes to dormer materials.

Address: 180 Moseley Road, Manchester, M14 6PB

Ward(s): Fallowfield Ward

Applicant: Miss Margaret Maguire

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 August 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 August 2025

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 22 July 2025 Expired: 12 August 2025

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 and area

The property is a 2-storey end-terrace house comprising red-brick elevations and a grey slate roof. The house is located in a predominantly residential area, with a number of the surrounding properties in use as HMOs, being constructed to the back of pavement and incorporates a walled rear yard.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission for alterations to dormer including replacement of side window, re-instatement of eaves and changes to dormer materials.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – None received.

Legislative Issues

National Policy

National Planning Policy Framework (NPPF)

The NPPF (updated December 2024) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e., the Core Strategy Development Plan Document (2012) and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 of the National Planning Policy Framework (NPPF) emphasizes a presumption in favour of sustainable development. For decision-making, this means:

- Approving development proposals that align with an up-to-date development plan without delay.
- Where there are no relevant development plan policies, or the key policies are out-of-date, granting permission unless:
 1. Policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal.
 2. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole

Regional Policy

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st of March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

JP-S1: Sustainable Development

Focuses on ensuring that all new developments contribute to sustainable development. This means balancing social, economic, and environmental objectives to create resilient and thriving communities.

JP-P1 Sustainable Places

Aims to create places that are not only sustainable but also resilient, safe, and capable of adapting to major environmental and economic changes. This policy emphasizes the importance of designing out crime, reducing opportunities for anti-social behaviour, and ensuring that developments make appropriate provisions for emergencies.

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced

with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

DM1 – Development Management 1

Focuses on ensuring high-quality design in new developments. It sets out criteria to assess the design, scale, and appearance of proposals to ensure they enhance or create character and protect the built environment. Key considerations include:

- **Design Quality:** Ensuring developments are visually appealing and contribute positively to the local area.
- **Context Appropriateness:** Making sure the design, scale, and appearance are suitable for the surrounding context.
- **Sustainability:** Promoting sustainable design and construction practices.
- **Amenity Protection:** Safeguarding the amenity of existing and future occupants

The relevant UDP policies for this application are:

DC 1.1 – 1.4 – Residential Extensions

Focus on residential extensions and set out criteria for assessing proposals.

The Guide to Development in Manchester SPD

Adopted in 2007, the SPD provides comprehensive planning guidance to support and enhance the development of the city. For example, the SPD aims to ensure attractive, well-designed, and well-maintained neighbourhoods that support sustainable development and community well-being.

Planning History

There has only been one previous planning application at this address.

Date	Event	Details	Reference
28 November 2024	Declined to Determine	Installation of rear dormer	140453/FH/2024

Enforcement History

There has also been an enforcement notice issued at this address and details are provided in the table below.

Date	Event	Details	Reference
12 May 2023	Enforcement Notice Issued	Without planning permission, the erection of a third storey extension to the rear	ENF/15548/23

18 January 2024	Appeals Dismissed and enforcement notice upheld	Appeals against enforcement notice ENF/15548/23	Appeal A Ref: APP/B4215/C/23/3324015 Appeal B Ref: APP/B4215/C/23/3324016
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As outlined in the planning history of the property, the site is subject to an enforcement notice for an alleged breach of planning control, namely, the erection of a third-storey extension without planning permission.

In its reasoning for issuing the notice, the Council considered it expedient to do so because the unauthorised development, built off the rear and side walls of the main house and the two-storey rear outrigger, appeared overly dominant and was deemed to have an adverse impact on neighbouring amenity, outlook, and privacy. From the rear, the scale and massing of the extension appeared incongruous and out of keeping with the character and appearance of the surrounding area. Furthermore, the development was considered an overly dominant and incongruous feature that failed to be subservient to the original dwelling.

The development was found to be contrary to Policies SP1 and DM1 of the Core Strategy, saved UDP Policy DC1, and guidance contained within the National Planning Policy Framework.

The enforcement notice took effect on 18 January 2024 and required the following actions to be completed within six months:

1. Demolish the third-storey rear extension, as shown edged in yellow in the attached photograph ENF/01.
2. Reinstate the roof of the property to its condition prior to the breach, as shown edged in green in photograph ENF/02.
3. Remove from the land all building materials, rubble, and waste resulting from the above actions.

It is also noted that Section 180 of the Town and Country Planning Act 1990 provides that where planning permission is granted for development carried out before the grant of that permission, any enforcement notice shall cease to have effect insofar as it is inconsistent with that permission. In this instance, planning permission is sought for alterations to the dormer, including replacement of the side window, reinstatement of the eaves, and changes to the dormer materials.

Should the Council grant planning permission for the proposed alterations, the enforcement notice would cease to have effect in relation to those elements.

Permitted Development Rights

Can these changes be undertaken under permitted development rights?

The decision to dismiss the appeal against enforcement notice ENF/15548/23 confirmed that the third-storey extension was not permitted under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO") and required planning permission.

As the extension was constructed unlawfully, Article 3(5)(a) of the GPDO applies, meaning the development cannot benefit from rights granted under Schedule 2. Therefore, any changes to the unlawful development must be assessed through a formal planning application.

The current proposal is considered to address the concerns raised in the enforcement notice, as outlined in the main body of this report.

Residential and Visual Amenity



Photograph Montage: Dormer as built (Source: Case Officers Photographs).

The unauthorised extension to the property was described by the enforcement notice,:

“...by virtue of being built-up off the rear and side walls of the main house and the two storey rear outrigger, appears overly dominant and is considered to have an adverse impact on neighbouring amenity, outlook and privacy. From the rear the scale and massing of the development appears incongruous and out of keeping with the character and appearance of the surrounding area. In addition, the development also appears as an incongruous and overly dominant feature at the rear of the property that fails to be subservient to the original dwelling house...”

The applicant has submitted a planning application proposing alterations to the dormer. These include reinstating the eaves and setting the dormer back by 200mm, thereby reducing its overall width and bulk. Additionally, the dormer cheeks are shown as being finished in slate, which would match both the original roof tiles and the dormer face.

A side window is annotated as being obscurely glazed, with any openable section positioned at least 1700mm above the finished floor level of the room.

On balance, the proposed changes would enhance the appearance of the development as constructed. The reduction in size and bulk would address the concerns outlined in the enforcement notice, resulting in a dormer that is similar, if not identical, to one that *could* have been constructed under the limitations and conditions of Class B of the General Permitted Development Order (GPDO), *before* the applicant constructed the existing and unauthorised development.

If the application is approved, it is recommended that there are conditions imposed to ensure that materials installed on the dormer match those specified on the application drawings and are in keeping with the character of the property and area. Secondly to ensure that there is no overlooking from the side window a condition should be attached to ensure that the window is 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.

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) and saved policy DC1 of the UDP seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. In this regard, the proposed changes are considered to comply with these policies and the NPPF which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

"Second Floor Plan", "Proposed Side Elevation" and "Proposed Rear Elevation"

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 window 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; no part of that window that is less than 1.7 metres above the floor of the room in which it is installed, shall be capable of being opened.

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.

4) The external elevations of the development hereby approved, shall be constructed with grey slates that are similar in appearance to the existing front roof slope.

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.

Appendix 1 – List of consultees & neighbours notified

182 Moseley Road, Manchester, M14 6PB
93 Braemar Road, Manchester, M14 6PQ
178 Moseley Road, Manchester, M14 6PB
91 Braemar Road, Manchester, M14 6PQ
89 Braemar Road, Manchester, M14 6PQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA