

**MANCHESTER
CITY COUNCIL****PLANNING****GROWTH & DEVELOPMENT****DELEGATED OFFICER REPORT FOR PLANNING APPLICATION****APPLICATION NO.** 141923/P1AA/2025**DATE REGISTERED VALID:** 16 January 2025**PROPOSAL:** Prior Approval for the enlargement of a dwellinghouse to allow for the construction of one additional storey to create a two storey dwellinghouse.**ADDRESS:** 21 Victoria Terrace, Manchester, M12 4LB**WARD(S):** Longsight Ward**APPLICANT:** Enamul Hoque**AGENT (IF ANY):** Silas Willoughby, Planning by Design**CASE OFFICER:** Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk**RECOMMENDATION:** Refuse**DATE OF RECOMMENDATION:** 21 January 2025

APPLICATION DETAILS

Type of application: Prior Approval - Dwellings Storeys

Development type: Notifications

Date of site visit: Not required

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 20 January 2025 Expired: 10 February 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

The proposal relates to a detached residential dormer bungalow on Victoria Terrace. The property features a large gable roof, hardstanding to the front for off street vehicle parking and landscaping to the side and rear. The property dates from the late 1990s.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

DESCRIPTION OF AREA

The property is in a mostly residential part of the Longsight ward of Manchester. The rear boundary is shared with Rodney House Specialist Support School. The site sits close to the Glossop/Marple National Rail line.

DESCRIPTION OF DEVELOPMENT

The applicant is proposing the Prior Approval for the enlargement of a dwellinghouse to allow for the construction of one additional storey to create a two storey dwellinghouse.

The proposed changes involve extending the existing pitched roof upwards to create a full second storey, replacing the current roof structure. The extended roof will feature tiles consistent with the current pitched roof. The brickwork of the extended façade will align with the existing brick elevations.

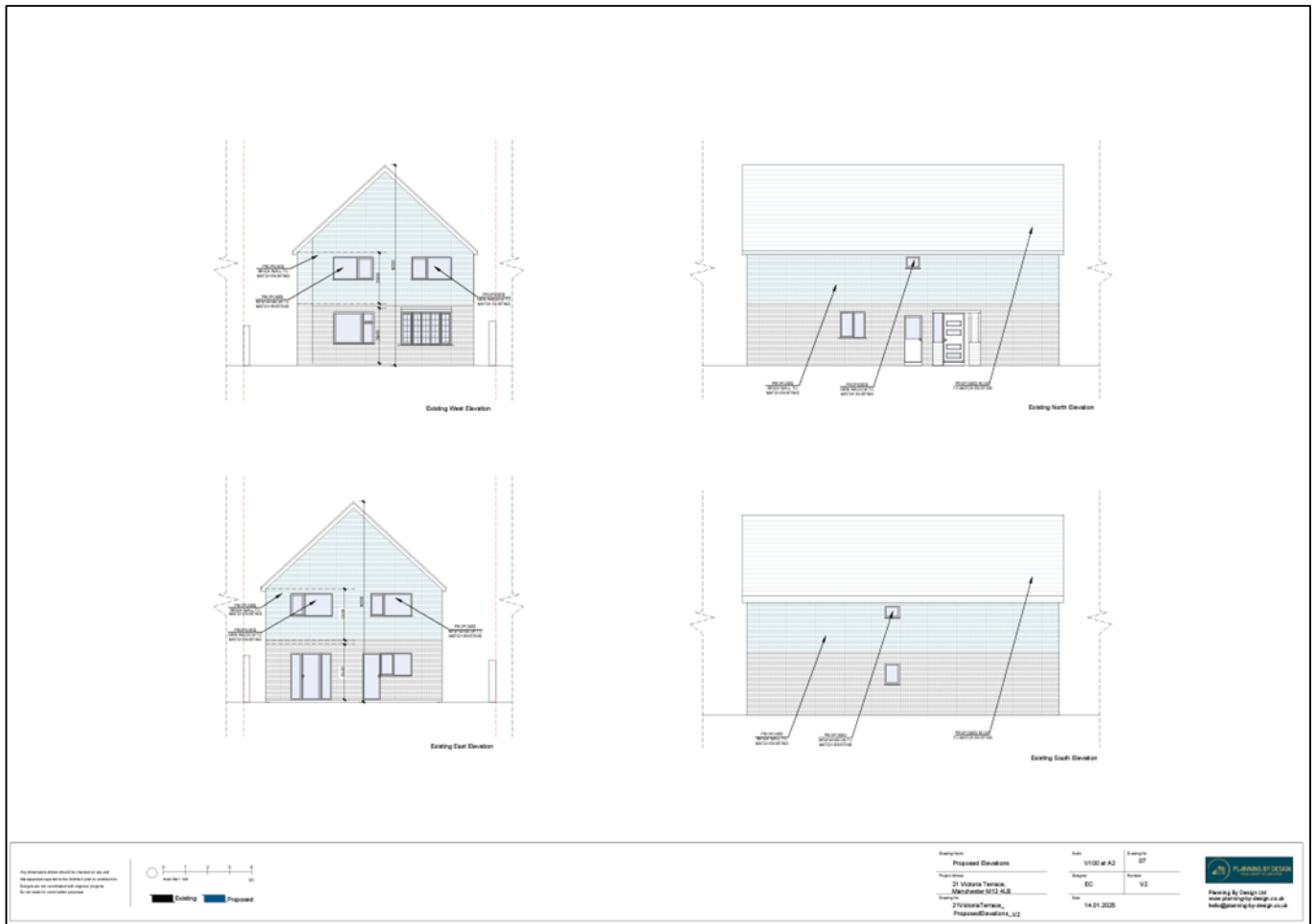


Figure 1. Proposed elevations

PLANNING HISTORY

045138/FO/CENTL2/94

Description: Erection of a four bedroomed detached dormer bungalow

Decision: Approved 19/05/1994

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

NOTIFICATIONS

LOCAL RESIDENTS

As stated in Appendix 1, people who live near the area were notified about the proposal.

As the LPA is refusing on this basis, in accordance with AA.3.4 paragraphs AA.3.5-8 do not apply and therefore the LPA is not required to await notifications or complete further assessment of the proposal.

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

As the application is for a prior approval the application the following legislation is deemed relevant

- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
 - Schedule 2, Part 1

- Class AA - The enlargement of a dwellinghouse consisting of the construction of—
 - a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
 - b) one additional storey, where the existing dwellinghouse consists of one storey,
 immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PART 1, CLASS AA

DEVELOPMENT NOT PERMITTED

AA.1. Development is not permitted by Class AA if—	Comments
a. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	No
b. the dwellinghouse is located on— i. article 2(3) land; or ii. a site of special scientific interest;	No
c. the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;	No – late 1990s construction
d. the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;	No
e. following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres	No – max roof height is 9m
f. following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— i. 3.5 metres, where the existing dwellinghouse consists of one storey; or ii. 7 metres, where the existing dwellinghouse consists of more than one storey;	No – difference is 2.3m
g. the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— i. in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or	N/A – Detached dwelling

ii. in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;	
h. the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— i. 3 metres; or ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	No – ground floor is 2.5m and first floor is 2.3m.
i. any additional storey is constructed other than on the principal part of the dwellinghouse;	No – same footprint
j. the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or	No.
k. the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	No.

CONDITIONS

AA.2. (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).	Comments
2. The conditions in this sub-paragraph are as follows—	
a. the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; a.	Yes - Materials to match, brick walls and tile
b. the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	No – 1no window on each side elevation. Applicant has noted obscure glaze however legislation is clear that development must not include any windows.
c. the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and	Yes – Same roof pitch
d. following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	Yes – can be conditioned

3. The conditions in this sub-paragraph are as follows—

a. before beginning the development, the developer must apply to the local planning authority for prior approval as to— i. impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; ii. the external appearance of the dwellinghouse, including the design and architectural features of— - aa. the principal elevation of the dwellinghouse, and - bb. any side elevation of the dwellinghouse that fronts a highway; iii. air traffic and defence asset impacts of the development; and iv. whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;	Refuse – applicant has applied and provided design and access statement and floor plan and elevational drawings for assessment. After assessment the development would cause harm to the residential and visual amenity of property on Norman Grove due to the creation of a large two storey massing. This would especially be harmful to No.87 Norman Grove which would have a large two storey massing across the entire rear boundary of their property.
b. before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;	Yes - the applicant has not provided a report for the management of construction development setting out development hours of operation and how adverse impacts to residential amenity is to be mitigated so this will be required to be conditioned and discharged prior to commencement
c. the development must be completed within a period of 3 years starting with the date prior approval is granted;	Yes – can be conditioned
d. the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and	Yes – can be conditioned
e. that notification must be in writing and include— i. the name of the developer; ii. the address of the dwellinghouse; and the date of completion.	Yes – can be conditioned

PROCEDURE FOR APPLICATIONS FOR PRIOR APPROVAL

AA.3. (1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)	Comments
--	------------------------

2. The application must be accompanied by— a. a written description of the proposed development, including details of any works proposed; b. a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and c. a plan which is drawn to an identified scale and shows— i. the existing and proposed elevations of the dwellinghouse, and ii. the position and dimensions of the proposed windows. together with any fee required to be paid	Yes – the applicant has provided a Design and Access statement, location plan and elevational drawings. They have paid the required fee.
3. The local planning authority may refuse an application where, in its opinion— a. the proposed development does not comply with, or b. the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.	Refuse - The applicant has included side facing windows on the proposed first floor (AA.2.2.B).
4. Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act, such a refusal is to be treated as a refusal of an application for approval.	As the LPA is refusing the application on AA.2.2.B Sections 5 to 8 (Notifications do not apply)

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.

CONCLUSION

The application for prior approval to add an additional storey to the dwelling at 21 Victoria Terrace has been carefully assessed. Despite the proposed development meeting several criteria, it fails to comply with specific conditions outlined in the General Permitted Development Order 2015. The inclusion of side windows and the potential negative impact on the amenity of the adjoining property at 87 Norman Grove are significant issues. Consequently, the application is recommended for refusal.

RECOMMENDATION: REFUSED

REASONS FOR REFUSAL

1. SIDE WINDOWS (AA.2.2.B)

The development includes 1no window in each proposed side elevation (2no total) counter to clause AA.2.2.B of Schedule 2, Part 1 of the GPDO 2015.

2. IMPACT ON THE AMENITY OF ANY ADJOINING PREMISES (AA.2.3.A.I)

The development would create a large two storey massing across the boundary with No.87 Norman Grove having a harmful amenity impact to an adjoining premises counter to AA.2.3.A.i of Schedule 2, Part 1 of the GPDO 2015

APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED

85 Norman Grove, Manchester, M12 5GJ

72 Norman Grove, Manchester, M12 5GJ

4 Meldreth Drive, Manchester, M12 4NB

16 Meldreth Drive, Manchester, M12 4NB

Rodney House School, 2 Albert Grove, Manchester, M12 4WF

70 Norman Grove, Manchester, M12 5GJ

68 Norman Grove, Manchester, M12 5GJ

87 Norman Grove, Manchester, M12 5GJ

8 Meldreth Drive, Manchester, M12 4NB

6 Meldreth Drive, Manchester, M12 4NB

2 Meldreth Drive, Manchester, M12 4NB

14 Meldreth Drive, Manchester, M12 4NB

12 Meldreth Drive, Manchester, M12 4NB

10 Meldreth Drive, Manchester, M12 4NB

APPENDIX 2 – PLANNING CONSTRAINTS

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA