MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141077/FH/2024
Date registered valid:	8 October 2024
Proposal:	Erection of part single, part two storey rear extension together with the Installation of rear roof dormer and insertion of front rooflights.
Address:	8 James Leach Vc Road, Manchester, M40 7PW
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Vikram Goyal
Agent (if any):	
Case officer:	Ellie Knowles Tel: 0161 219 6633 Email: ellie.knowles@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**9 December 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 November 2024

Standard consultations:
Printed: 18 October 2024 Expired: 8 November 2024

Neighbour notifications
Printed: 18 October 2024 Expired: 8 November 2024

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

8 James Leach VC Road is a two storey end-terraced property located in the Miles Platting ward. The application property is constructed in two colourations of red brickwork, a deeper red to the front projecting gable feature and muted paler red to the remainder of the dwelling. The property accommodates a grey roof and anthracite grey windows with decorative lintels and cills (front windows only).

The property features a driveway to the front which has been extended in width and enclosed garden to the rear, bound by closed boarded timber fencing. Private pedestrian access to the adjoining terrace no.6 is provided around the applicant's rear garden via an alleyway.

At the time of the first site visit, July 2024, unauthorised works to the property had been started at ground floor level, including installation of foundations, flooring and walling (see fig.1). The applicant and agent were advised to cease works until any permission had been secured on this property.

At the time of the site visit, November 2024, further unauthorised works to the property had been completed at second floor level within the roofscape, including the full installation of a rear dormer window and two rooflights to the front (see figs.2 and 3).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Unauthorised works to the rear, none to the roofscape at this time (July 2024)



Figure 2. Unauthorised rear dormer window extension in situ (Nov 2024)



Figure 3. Unauthorised rear dormer window extension and front rooflights in situ, as viewed from street scene, James Leach Vc Road (Nov 2024)

Description of area

The surrounding area comprises a new build housing estate, which is characterised by brick-built three and two storey dwellinghouses (class C3a).

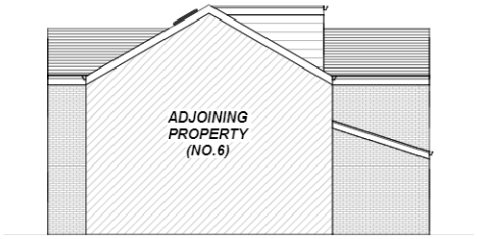
Description of development

The application seeks planning permission for the erection of a rear dormer window, part single, part two storey rear extension to form additional living accommodation and new side window at first floor level (see fig.4).

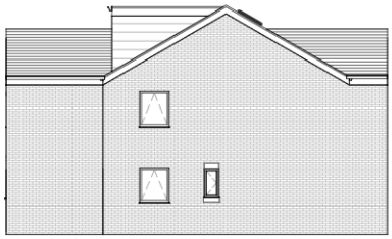
The retrospective rear dormer window is not built as per submitted plan ref JAM-02-20 (see figs.2 and 4), given that two windows have been inserted into the rear elevation, not one as shown on plan. The rear dormer (as measured on plan) would span 5.2m in width, by 2.21m in height, by 3.8m in depth. The dormer cheeks are clad in grey vertically hanging roof tiles.

Two front rooflights have been inserted into the front roofscape.

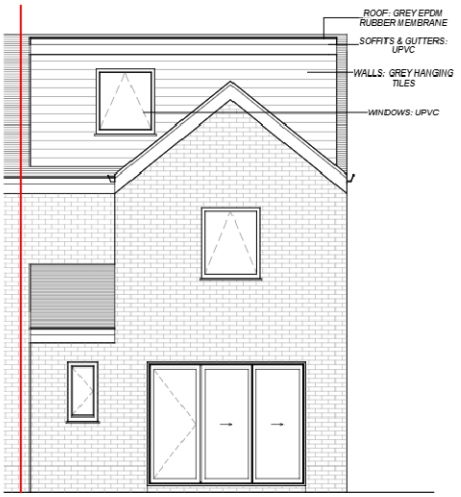
The dormer would facilitate an additional bedroom within the application property, now totalling 4 bedrooms proposed through cumulative extensions.



Proposed Side Elevation B (View From No.6)
1 : 100



Proposed Side Elevation A (10,12, & 14 Varley Street)
1 : 100



Proposed Rear Elevation
1 : 50

Figure 4. Pan ref JAM-02-20, Proposed development under consideration, through 141077/FH/2024.

The proposed part single, part two storey rear extension in isolation has deemed consent, through the planning application 140201/FH/2024. The proposed rear extensions would measure 5.4m in width, set in 150mm from the party wall. At ground floor the extension would measure 5.4m width x 3.3m depth and would accommodate a lean-to roof form 3.88m in maximum ridge height with 2.8m eaves. At first floor, the extension would sit flush in projection above and be inset 1.6m from the shared boundary with no.6 adjoining. This two storey element would accommodate a gable roof set down from the host with original matching eaves level.

The proposed rear extensions would create on the ground floor, a dining room and shower room. On the first floor the rear extension would create one additional bedroom at this level.

The proposal would involve the insertion of bifold doors and a single window along the ground floor alongside a single window at first floor to the rear.

Under 140201/FH/2024, a new obscure glazed (level 5) window was proposed at first floor to the side elevation to serve a bedroom. This obscure glazing annotation has since been removed off plan under the new application now applied for (see fig.4).

Consultations & Notification Responses

Local responses
None

Consultee responses

The Coal Authority – No comments received.

Relevant Planning History

At the application site –

Permitted Development Rights removed for garages and extensions through planning

permission 117055/FO/2017.

Condition 22:
"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or ***extensions (including roof alterations)****; shall be erected other than those expressly authorised by this permission.*
Reason - In the interests of residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012)."

140201/FH/2024 – Erection of part single, part two storey rear extension. Approved 25.09.2024.
No further works implemented on site, other than those evidenced in July 2024 (see fig.1).

History of negotiations

July 2024

The planning officer requested that the first floor side window was obscure glazed to level 5 (with top opening casement for ventilation) and the 45 degree code was shown at first floor level on proposed floor plans, to negate overlooking and to evidence that a sufficient outlook would be maintained from the nearest neighbouring habitable room window at no.6.

The agent submitted revised plans by 10/08/2024 which addressed these matters. The agent notified that works to the roof were proposed, the planning officer advised that the application property did not afford permitted development rights for extensions. Therefore advised that the rear dormer should be included in this current application. The agent stated that they would submit a subsequent application with respect to roof works.

Details of a room to let in this property have been evidenced online, this has been considered by MCC Enforcement. At this time the applicant has applied for works to a C3 dwellinghouse through a householder application, this is considered accurate to reflect the existing property use.

November 2024

The planning officer notified the applicant on the site visit 8/11/24, that the rear dormer now constructed did not afford permitted development rights and was unauthorised development, as stated in earlier correspondence with the agent and applicant in July 2024. No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone 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 **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
EN 1 – Design Principles and Strategic Character Areas

The relevant saved **UDP** policies for this application are:

DC1– Residential Extensions
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Issues

Principle of development:

The principle of the development is not considered acceptable, given that the cumulative impact of the now retrospective rear dormer and part constructed rear extensions (approved under 140201/FH/2024) is considered detrimental to the visual amenity of the area and would impact on the neighbouring properties' residential amenity.

Impact on visual amenity and the streetscene:

The proposal would create a rear dormer window (now constructed - see fig 2) that connects with a part single, part two storey rear extension. Alongside the insertion of an additional first floor side window and two front rooflights.

In terms of its scale the rear dormer window, now constructed, would occupy the majority of the roof of the original dwellinghouse, reading as one solid mass at second floor level, leaving minimal distance to the side, eaves and original ridge line (see figures 2 and 3), connecting to the two-storey rear element (see fig 4). The design incorporates two windows within the rear elevation only and is a simple box structure. The choice of materials matches existing. It is deemed that the retrospective dormer window is not well sited and is a harmful addition to the original terrace's unbroken rear roof profile. The poor design and significant scale is considered unacceptable and would be a visually incongruous addition, highly visible from public vantage points, notably James Leach Vc Road to the north east and Winstanley Road to the south east. Altogether the proposal is not considered to be sympathetically designed, nor appropriately sited or scaled to the host dwelling, contrary to planning policies DM1 (Core Strategy) and DC1 (saved UDP).

The proposed rear extensions, approved under 140201/FH/2024, when considered in isolation could be considered acceptable on balance. However, the revised submission renders this element now unacceptable due to the principle of the connecting design with the retrospective dormer window.

It is considered the rear dormer window when considered in conjunction with the connecting rear extensions (see fig 4) would feature in a prominent position within the local streetscene and therefore contribute to an incongruous development that is out of character for James Leach Vc Road and the wider new housing estate, which features no existing development of this nature. The poor connecting design of the proposal exacerbates its excessive bulk, hence it is considered to be overly dominant and would form an unattractive and overbearing feature, visible from the surrounding streetscene. On balance it is considered that the proposed development conflicts with policy SP1, DM1 and EN1 of the Core Strategy and DC1 of the saved UDP.

<u>Impact on residential amenity:</u>

The proposed part single and part two storey rear extensions, approved under 140201/FH/2024, are considered acceptable in principle given the proposed scale, form and orientation.

Notwithstanding the above, the revised proposal, which now includes a rear dormer window and front lights, raises amenity concerns.

The first floor window proposed in the north eastern side elevation is not shown as obscure glazed (see fig.4). This obscure glazing was requested and conditioned under 140201/FH/2024 to protect the amenity of neighbouring occupants.

As such, the proposed side window at first floor is considered to give rise to undue impacts upon the residential amenity of neighbouring occupants at properties due east (14-16 Varley Street), in the form of overlooking.

The proposal is therefore considered contrary with policies DM1 and SP1 of the Core Strategy and saved UDP policy DC1.

Impact on Highway Safety:

It is noted that additional hardstanding has been installed to the site frontage and permeable black metal railings removed, to create a second parking space within the curtilage of the site (see fig.5).



Fig.5 Application property and terrace pictured July 2024 (Google Streetview)

Given the absence of any installation or drainage information evidenced submitted, this element is not considered permitted development and would require regularisation through a full planning application.

Notwithstanding this, the removal of the existing front lawn and metal boundary railings along the site frontage and side boundary abutting the alleyway, is considered to pose a negative impact upon the character of the street scene, which formally afforded a uniform hard and soft landscaping scheme (see fig.6).



Fig.6 Application property and terrace pictured July 2019 (Google Streetview)

The proposed development would not interfere with the existing parking provision, as such from a highway safety perspective the proposal is considered acceptable in this regard.

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 polices 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: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns cannot be overcome by the submission of a revised proposal. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. Visual amenity
   The part retrospective development to the rear (rear dormer window connected to a part single, part two storey rear extension) by reason of its scale, bulk, massing, design and relationship to the original terrace; would form an overly dominant and visually obtrusive feature within the streetscene, which would be the first example of development of this nature in the new housing estate and therefore would be incongruous with the character of the area in general, to the detriment of visual amenity and as such is contrary to saved policies DC1.1, DC1.2 and DC1.3 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1 and EN1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

2. Overlooking
   The proposed first floor window within the northeastern side elevation of the existing dwellinghouse would result in significant overlooking over a short distance to the rear habitable room windows and private garden areas of 14 and 16 Varley Street, to the detriment of the reasonable amenity and privacy of the occupiers. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1 (core strategy) and saved UDP policy DC1.

Appendix 1 – List of consultees & neighbours notified
Mining Remediation Authority

7 James Leach Vc Road, Manchester, M40 7PW
5 James Leach Vc Road, Manchester, M40 7PW
12 Varley Street, Manchester, M40 8BW
6 James Leach Vc Road, Manchester, M40 7PW
14 Varley Street, Manchester, M40 8BW
16 Varley Street, Manchester, M40 8BW
18 Varley Street, Manchester, M40 8BW
56D Farnborough Road, Manchester, M40 7NH
10 Varley Street, Manchester, M40 8BW
83 Winstanley Road, Manchester, M40 7WJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA