Planning

Growth & Development

Delegated officer report for planning application

Application no.	141338/FH/2024
Date registered valid:	22 October 2024
Proposal:	Retention of rear dormer together with two external verandas and associated external alterations
Address:	2 Ellen Wilkinson Crescent, Manchester, M12 4JU
Ward(s):	Longsight Ward
Applicant:	Mr Qassim Ellahi
Agent (if any):	Mr Mohammed Taghlebi
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	16 December 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 5 November 2024 Expired: 26 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to a former pair of semi-detached properties, in a predominantly residential area, which have been converted into a single property. To the rear of the site lies the grounds of a recently built school, with a landscaped mound with mature trees retained from the adjacent site's former use as a cinema complex, directly to the eastern boundary of the dwellinghouse.

The site has a previous permission for the erection of two-storey front and rear extensions, front roof dormers and front porch to form additional living accommodation in connection with use of 2 semi-detached properties as a single house (133418/FH/2022 - Approved 25 May 2022).

A subsequent planning permission was then granted for the erection of a rear dormer, to facilitate loft conversion, with two verandas (137653/FH/2023 - Approved 18 September 2023).

The latter application proposed a central flat roofed dormer element, which would project almost up to, but set away from, the existing roof eaves. Either side of this, individual verandas were proposed with a covered tile roof and side panel, which would sit close to the roof edges on the side elevations of the property. Also, two 'false' balconies were proposed, to two upper floor bedroom windows, with bars/glass that would have a minimal projection from the rear wall of the house. It was indicated that the dormer extension would be constructed/finished in tiling to match the existing roof.

These permissions have now been implemented but the rear dormer has not been constructed in accordance with the approved plans. Rather than being set away from the roof eaves, the dormer has been built in the same plane as the rear wall of the house. It is also closer to the

roofs side edges and additional windows have been installed including a full-length window on the top floor, where a small window was previously shown.

An application was therefore previously submitted to retain the rear dormer, as built, with some guttering introduced, to show a division between the main rear wall and rear dormer wall (140364/FH/2024). However, the rear dormer retained an otherwise brick finish. This application was refused, on 5 September 2024, for the following reason:

Due to its design, scale and massing, notably the alignment of the dormer walls in the same plane as the walls of the existing house, the development represents an overly dominant, bulky and incongruous feature, which is out of character with, and fails to contribute positively to, the general character of the area within which it is situated. The proposal is therefore contrary to Policies SP1, EN1 and DM1 of the Manchester Core Strategy, saved Policy DC1 of the Unitary Development Plan, for the City of Manchester and guidance within the National Planning Policy Framework.

The current application again proposes to retain the rear dormer as built, with some guttering introduced, to show a division between the main rear wall and rear dormer wall. In addition, it is now proposed to introduce a grey clad finish, onto the dormer, so that its finish would match the roof, rather than the brick walls of the house.

Consultations & Notification Responses

Local residents - One objection has been received, on the grounds that the proposal does not achieve the 20 cm set-back, as originally approved.

Issues

National Planning Policy Framework (December 2024) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So to is effective engagement between applicants. Communities, local planning authorities and other interests throughout the process (paragraph 131).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is presently unallocated within the Manchester Unitary Development Plan.

Saved Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:
a. The general character of the property;
b. The effect upon the amenity of the neighbouring occupiers;
c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
d. The overall appearance of the proposal in the a street scene;
e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:
a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
b. They do not create undue loss of sunlight, daylight or privacy;
c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

DC1.3 States that, notwithstanding the generality of the above policies, the council will not normally approve:
a) rearward extensions greater than 3.65m (12ft) in length
b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
c) 2 storey extensions to terraced properties which occupy the full width of the house
d) flat roofed extensions to bungalows
e) extensions which conflict with the councils guidelines on privacy distances (which are published as supplementary guidance).

Impact of works/Changes from previous permission/refusal - The previous permission allowed for the creation of two verandas, separated by a central element, that would be largely seen as a single rear dormer extension to the property. Although the property sits approximately 8 metres from the side curtilage of the property, with Kirkmanshulme Lane, this is a wide classified (c) road, and views of the site are quite open/expansive. Permission was therefore granted on the basis that the rear dormer was set away from the roof edges and eaves, so that it was clearly seen as a subservient dormer extension to the main house.

In the previous permission the dormer was set-back by approximately 0.4 metres from the eaves and roof edges and approximately 0.25 metres from the planes of the respective walls, of the main house, whereas, the dormer as built is approximately 0.15 metres from the roof edges, on both sides, lining up with the plane of the side walls of the house. On the rear elevation the roof eaves have been removed, so the dormer forms an extension of the main rear wall, in the same plane, although the application indicates that some guttering would be introduced, to show a division between the main rear wall and rear dormer wall and some grey cladding of the dormer.

The result of the works carried out is that the property appears as two storeys at the front, with 2 small dormer extensions, but 3 storeys at the rear, with the dormer walls lining up with the rear walls of the main house. The rear dormer extension is now not therefore seen as a subservient extension and the resulting property appears out of character with neighbouring properties. Also, as this is a corner property, the adverse visual impact of these unauthorized works is further accentuated due to the open views of the side and rear of the property.

Setting the dormer away from the roof edges and eaves was considered to be an important factor in enabling the granting of the current planning permission and it is considered that the unauthorised works alter the relationship of the dormer, to the main house.

Officers have sought to have the structure amended, to reflect the approved plans, but the applicant has not wished to do this. A determination is therefore required as to whether a compromise can be reached, or whether enforcement action is required to secure the removal of the unauthorised works. Compared to the previous refusal, the additional mitigation offered, by the applicant, is to introduce a grey cladding, onto the dormer. Whilst the preference would still be that the approved set-backs are introduced, the introduction of the cladding does, at least, give the impression that this is a roof extension to a two-storey property, rather than a third floor extension. Consequently, in this instance, it is considered that a refusal of planning permission, and subsequent enforcement action, would not be justified and an approval can be granted.

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: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, negotiations were entered into in, prior to the application being submitted, which resulted in mitigation measures being introduced, for the unauthorised works.

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 site location plan and drawing numbered A202 rev V002, stamped as received by the City Council, as Local Planning Authority, on 22 October 2024, and the email from Mohammed Taghlebi, dated 12 September 2023, which confirms that the existing window in the side elevation of the property, adjacent to no.6 Ellen Wilkinson Crescent, will be replaced with an obscurely glazed window.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The indicated grey dormer roof cladding to the dormer extension hereby approved shall match the existing roof, of the dwellinghouse, in terms of colour and the indicated cladding/gutters/eaves shall be installed within one month of this permission being granted.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning

Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

5) Within one month of the granting of this planning permission, the existing upper floor window, in the side elevation of the property adjacent to no.6 Ellen Wilkinson Crescent, shall be fitted with obscure glazing, and fixed shut at least up to a level of 1.7 metres above floor level, in accordance with drawing numbered A202 rev V002, stamped as received by the City Council, as Local Planning Authority, on 22 October 2024, and the email from Mohammed Taghlebi, dated 12 September 2023. The window shall thereafter be maintained in that condition.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

6) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on drawing numbered A202 rev V001, stamped as received by the City Council, as Local Planning Authority, on 12 September 2023, unless planning permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouses, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

25 Whitsbury Avenue, Manchester, M18 7NS
21 Whitsbury Avenue, Manchester, M18 7NS
164 Hemsworth Road, Manchester, M18 7WP
162 Hemsworth Road, Manchester, M18 7WP

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
Area Team Boundary - Name: NORTH AREA