

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141064/FH/2024
Date registered valid: 15 October 2024
Proposal: Retention and completion of dormer over rear facing roof slope after part demolition of existing dormer extension.
Address: 6 Royle Street, Manchester, M14 6RN
Ward(s): Withington Ward

Applicant: James Henry Studentshack Limited
Agent (if any): Stephen Lamb Steve Lamb
Case officer: Adam Roche
Tel: 0161 234 4688
Email: adam.roche@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 27 November 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 6 November 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 October 2024 Expired: 6 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

The application site relates to a two storey, end terrace dwellinghouse which originally featured a roof arrangement that included a gable wall with dual pitch roof and separate dual pitch roof to the rear outrigger. At the time of the site visit (see site photos below), the property had undergone alteration to install a dormer that extends from the roof of the main part of the dwellinghouse and across the entirety of the outrigger, with the height of the side elevation to the outrigger increased. The property also features a ground floor bay window, and both large front and rear gardens.



Photos 1 and 2 – Side and Rear Elevations (Case Officer Photographs)

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area is predominantly residential featuring similarly designed terraces.

Description of development

The applicant is seeking planning permission for the retention and completion of dormer over rear facing roof slope after part demolition of existing dormer extension.

Consultations & Notification Responses

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

Local residents/public opinion –

Cllr Chris Wills – Objected together with Councillor Becky Chambers.

The councillor raised concerns regarding the proposed development in that it will exacerbate issues of “over-saturation and over-occupancy” contrary to H11. That it will also exacerbate issues of litter and fly-tipping, which they allege is a long-standing issue, “*on nearby roads including Derby Road, Egerton Road, Exbury Street and Ladybarn Lane*”.

The application should be refused, and the property restored to its condition before the unauthorised works, that resulted in the issue of an Enforcement Notice, were carried out.

Issues

Planning History

Enforcement Notice: ENF/15574/23

Status: Notice Issued on 30/10/2023

Notice Requirements:

1. Demolish the dormer/third storey extension, as shown edged in yellow in the attached photographs ENF/01 and ENF/02.
2. Reinstate the roof and rear outrigger of the property to their condition before the breach took place, as shown edged in green in the attached photographs ENF/03 and ENF/04, using similar facing materials of grey slate, red brick and painted render.
3. Remove from the land all building materials, rubble and waste resulting from carrying out the above.

Time for compliance: Six months

Appeal reference: 23/02734/ENF

Decision: Appeal Withdrawn 29/01/2024

Application Reference: 139100/FH/2024

Proposal: Retention and completion of dormer over rear facing roof slope after part demolition of existing dormer extension.

Decision: Refused 29/08/2024

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 in 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

Policy DM1 – Development Management 1

The relevant UDP policies for this application are as follows:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st 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 for this application is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (NPPF) – The NPPF 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 Principal

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) 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. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the UDP for the City of Manchester 1995 relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in 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.

The principal of a dormer to a dwellinghouse is usually considered to be acceptable, dormers on the rear of dwellinghouse outside of conservation areas can be permitted under what are known as permitted development rights as set out in Class B of the Town and Country (General Permitted Development) Order 2015 (as amended) – the relevant legislation when determining additions etc. to the of a dwellinghouse.

In this case, the proposed development would meet the conditions and limitations set out in Class B of the GPDO. However, owing to the issue of an Enforcement Notice which requires the demolition of the existing development and return the property to its condition before the breach of planning control occurred, planning permission is required for anything other than those matters stated so as to discharge the steps of that notice. Therefore, the proposal shall be assessed in accordance with Policies DM1 and Sp1 of the Core Strategy, saved policy DC1 of the Manchester UDP and NPPF.

The Assessment

It is proposed that the dormer will be set within the roof space of the main dwellinghouse, with the pre-existing dual pitched roof to the two-storey outrigger reinstated. This also includes returning the gable wall to its previous configuration, with the eaves of the roof to the rear outrigger returned to its previous height - as shown in the Image 1 (below).

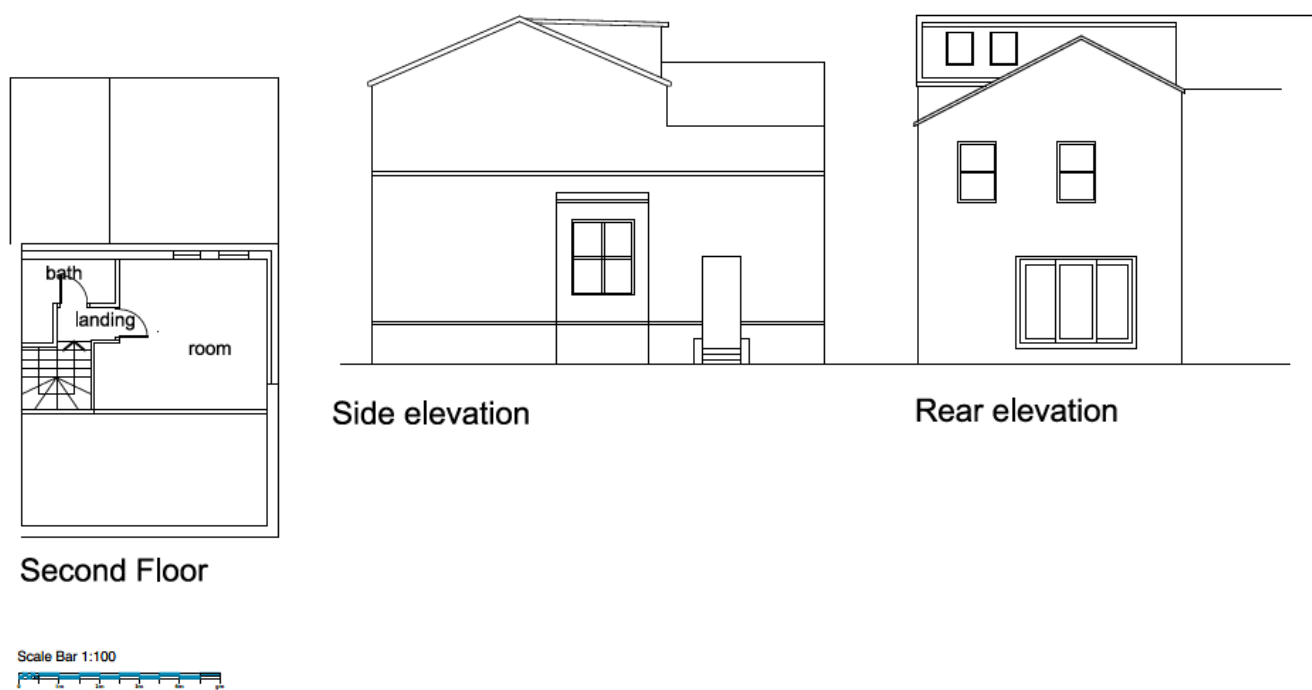


Image 1 – Proposed Elevations

The resulting dormer will ensure that the development no longer appears over-bearing and incongruous. Furthermore, the position and size of the rear facing windows in the dormer are

located to the side of the dormers face furthest from the adjoining property, with two smaller windows replacing the existing larger sized windows.

This will mean that the dormer would be of a similar scale, design and massing to that of a rear dormer that could be built under permitted development rights.

The proposed facing materials to be used in the dormer's construction are slate grey composite tile which will give the appearance of being traditional slate, similar to those used in the construction of the roof to the main dwelling. These are considered appropriate materials, in the interest of visual amenity and in preserving the character of the residential area.

Other Matters

The concerns regarding "over saturation and over occupancy" of HMOs in the area, there is no evidence to suggest that the property is currently in use as HMO with no registered HMOs within the same post code as the property.

The introduction of an Article 4 Direction in relation to the change from a dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) has meant that, since October 2011, that planning permission is required for this change; there are no planning applications either current or historic at this address that has changed the use from a dwellinghouse (Class C3).

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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:

Drawings F03/JH/01 Rev. D "Elevations and Second Floor Plan as Proposed"

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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

Top Flat, 8 Egerton Terrace, Manchester, M14 6RL
Bottom Flat, 8 Egerton Terrace, Manchester, M14 6RL
Ladybarn Community Centre, Royle Street, Manchester, M14 6RN
9 Exbury Street, Manchester, M14 6RF
8 Royle Street, Manchester, M14 6RN
14 Royle Street, Manchester, M14 6RN
5 Egerton Terrace, Manchester, M14 6RL
3 Egerton Terrace, Manchester, M14 6RL
1 Egerton Terrace, Manchester, M14 6RL
10 Royle Street, Manchester, M14 6RN
6 Egerton Terrace, Manchester, M14 6RL
4 Egerton Terrace, Manchester, M14 6RL
2 Egerton Terrace, Manchester, M14 6RL
12 Royle Street, Manchester, M14 6RN
7 Egerton Terrace, Manchester, M14 6RL
11 Egerton Terrace, Ladybarn, Manchester, M14 6RL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA