Appeal Statement

Rear Dormer Roof Extension
AT
23 Mauldeth Road West,
Manchester M20 3EQ

Reference:
23MRW-2520

Date:
16 September 2024

1. Introduction

a. This Appeal Statement has been prepared by Just Planning on behalf of Mr S Farmiloe to support an appeal against the decision of Manchester City Council to refuse planning permission for a rear dormer roof extension at 23 Mauldeth Road West, in Manchester.

b. Following a description of the site and surrounding area, the report will describe the site and the proposal, consider the planning history, provide an overview of relevant planning policy and outline the case for the appellant.

c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

a. On 13 June 2024, the appellant submitted an application to Manchester City Council (reference: 140328/FH/2024) for the following development:

Retrospective permission for the erection of a rear L shaped dormer.

b. On 15 August 2024, the council notified the appellant that the application had been refused for the following sole reason:

1. *The development by reason of its design, scale and massing and prominent position, results in an overly dominant, bulky and incongruous feature which is out of character with, and fails to contribute positively to, the general character of the local area. The development is therefore contrary to policies SP1, EN1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1.*

3. Site Description

a. The appeal property is a three-storey (including basement), end-of-terrace house located on the southern side of Mauldeth Road West. It is constructed in red brick with a tiled, dual-pitched roof. There is a two-storey front bay window and an original two-storey rear projection (outrigger). There is off-street parking to the front and a garden to the rear. Figure 1, below, provides an image of the front of the house, taken before the recent roof extension.

Figure 1: Image of the front of the appeal property.

b. The house is one of a terraced row of 6 similar properties. There are two matching terraced rows along this section of Mauldeth Road West. Numbers 27 and 29, a few doors up from the appeal property to the west, have rear dormer roof extensions, as does number 19, two doors down. The satellite image in figure 2, below, shows the rear roofscape, taken before the recent roof extensions at the appeal property and at number 19.

Figure 2: Satellite image of the rear of the appeal property (red dot) and close neighbours.

c. The appeal property is not listed and does not form part of a designated conservation area.

4. Planning History & Appeal Development

a. The appeal relates to a rear dormer roof extension over the main roof of the house and the outrigger. The development is shown in the image in figure 3, below.

Figure 3: Image of the roof extension to which this appeal relates.

b. The appellant constructed the extension on the understanding that it was permitted development under Part 1, Schedule 2, Class B of the General Permitted Development Order (GPDO), 2015, and that express planning permission was not required.

c. On 15 January 2024, the council refused an application for a certificate of lawfulness (reference: 137917/LP/2023) on the basis that, in projecting over the outrigger, the proposal should be assessed against Class A (rear extensions) as well as Class B (roof extensions) of the GPDO, and that it fail to meet the requirements of Class A.

d. The appellant disagrees with this conclusion on the basis that the government's Technical Guidance (published in April 2016 and updated in September 2019) allows a roof enlargement which *"joins the original roof to the roof of a rear or side extension"*.

e. The appellant therefore appealed the council's decision (appeal APP/B4215/X/24/3338345). The appeal was dismissed on 5 June 2024 on the basis that the extension over the outrigger should be considered a new storey rather than a roof alteration.

f. In response to the inspector's conclusion that the development is not permitted development under the GPDO, the appellant seeks express planning permission for it.

g. Copies of the appeal decision and plans for the certificate of lawfulness are provided in the appendices.

5. Planning Policy

a. The relevant part of the development plan for the area is the Core Strategy Development Plan Document, adopted in July 2012, and the saved policies of the Unitary Development Plan (UDP).

b. According to the council's reason for refusal on the decision notice, the development does not comply with policies SP1, EN1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

c. Policy SP1 sets out general spatial principles to guide development in the city. It seeks to create *"well designed places that enhance or create character"*.

d. Policy EN1 requires that development follow principles of good design. It is a strategic design policy and does not appear to be directly relevant to the appeal proposal.

e. Policy DM1 requires that development is appropriate in terms of its *"siting, layout, scale, form, massing, materials and detail"*. Development *"should have regard to the character of the surrounding area".*

f. Saved policy DC1 of the UDP relates to domestic extensions and requires that they respect the character of the host property and the appearance of the streetscene.

g. The council quotes no specific policies or supplementary guidance on the design, size or siting of roof extensions.

h. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how they should be applied. A revised version was published in December 2023. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

i. According to paragraph 38:

> *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve*

applications for sustainable development where possible."

j. Chapter 11 encourages developers and local planning authorities to *"make effective use of land"*. Part (d) of paragraph 124 promotes *"the development of under-utilised land and buildings".*

k. Chapter 12 requires good design. Paragraph 131 describes the *"creation of high quality, beautiful and sustainable buildings and places"* as *"fundamental to what the planning and development process should achieve".*

l. According to paragraph 135, developments must *"function well add to the overall quality of the area"*, be *"visually attractive as a result of good architecture",* be *"sympathetic to local character and history, including the surrounding built environment"* and *"maintain a strong sense of place"*.

6. Case for the Appellant

a. The council does not object in principle to the extension of this dwelling to provide the appellant and his family with enlarged and enhanced living accommodation.

b. There is no suggestion of harm to the living conditions of close neighbours, and it is accepted that the extended house provides good quality accommodation as well as sufficient parking and outdoor amenity space.

c. The appellant carried out the development in good faith, believing it to be permitted development. In the recent appeal decision, the inspector determined that it is not permitted development because the part of the extension over the outrigger should be considered more of an additional storey than an alteration. This is nevertheless confirmation that a very similar development, with a smaller dormer over the outrigger, would be permitted development and would not require planning permission.

d. The main issue in this appeal is whether the development causes material harm to the character and appearance of the host property and wider area, taking account of the fallback position of a similar development under Class B (Part 1, Schedule 2) of the GPDO.

e. Policies SP1 and DM1 of the Manchester Core Strategy require that all development represents a high quality of design and respects the character of the surrounding area. Saved policy DC1 relates to extensions but simply states that good design is required – it is not prescriptive in terms of how that should be achieved.

f. The council's reason for refusal describes the dormer as *"dominant, bulky and incongruous"* and inappropriate in terms of its *"design, scale and massing"*.

g. The extension is located to the rear and is not at all visible from the public realm. The height of the buildings along the row, the depth of their outriggers and the presence of tall, mature trees in rear gardens mean that the dormer is also not prominent in views from neighbours' gardens – only close neighbours can see it, and they have only distant, oblique or awkward views of the structure.

h. Insofar as it is visible to neighbours, it does not appear as a dominant, intrusive or overbearing presence. It is set down from the ridge of the roof and away from its edges. It is proportionate to its large host building and makes appropriate use of materials, including blue hanging tiles to match the existing roof. The result is a subordinate addition that respects the character and appearance of the host dwelling. Contrary to the assertion in the officer's report, it appears primarily as a roof extension rather than a new, second storey.

i. The appellant notes that this building is not located in a conservation area and does not otherwise benefit from any specific protection. The houses on the row are handsome Victorian buildings, but the development does not alter the front elevation (apart from the rooflights on the front roofslope) and the original architectural form of the main house plus its outrigger is retained.

j. The council describes the dormer as incongruous, suggesting that it is of unusual or uncharacteristic design. In fact, it is entirely conventional in its design and appearance – it is similar to hundreds of similar rear dormers built on homes across England each year using permitted development rights. It reads as a conventional extension in this domestic setting and should not be considered an alien feature when dormers of this kind are such a common sight in our built-up areas. It does not have a sufficiently harmful impact on visual amenities that a refusal of planning permission is justified.

k. The appellant notes that there are comparable dormer extensions visible in the immediate surrounding area. The satellite image in figure 2 on page 5 of this report shows dormers at numbers 27 and 29 Mauldeth Road West. Since that satellite image was taken, a dormer has also been built at 19 Mauldeth Road West, on the other side of the appeal property.

l. The dormer at number 29 has full planning permission under reference 123562/FO/2019, but the others have been built using permitted development rights. The photograph in figure 4, below, taken from the gated rear alleyway that runs behind the houses, shows the dormers at numbers 27 and 29 Mauldeth Road West. Figure 5 shows those at numbers 19, 23 (the appeal property) and 29. In the appellant's view, his extensions do not look out of place in the context of similar structures on neighbouring roofs.

Figure 4: Photograph of dormers at numbers 27 and 29.

Figure 5: Photograph of dormers at numbers 19, 23 and 27.

m. The appellant will be able to provide the inspector with access to this rear alleyway on the occasion of the site visit so that the neighbouring dormers can be viewed together.

n. A dormer has also recently been built at 136 Wellington Road and is visible from the front door of the appeal property. The dormer is shown in figure 6, below.

Figure 6: Dormer at 136 Wellington Road.

o. The Design & Access Statement submitted with the application, which should also be before the inspector, provides details of a number of other L-shaped dormers on houses in this area. Like the appeal proposal, these were built by the homeowners on the understanding that they were permitted development and there is therefore no planning records associated with the extensions.

p. The Design & Access Statement also highlights an L-shaped dormer very similar to the appeal proposal that was granted full planning permission at a flat at 309 Great Western Street, not far from the appeal site (reference: 138932/FO/2024). Copies of the decision notice, officer's report and approved plans for this approval are provided in the appendices.

q. In the officer's report, the case officer opined that the dormer was justified because it was to the rear and would not *"be visually obtrusive in the streetscene"*. The case officer went on to say:

> *"The proposed dormer would not be highly visible from within the street scene, and in any event there are quite a few others already in existence. As such they are no*

longer an alien feature when viewed against the character of the properties themselves, or the area within which they are located."

r. The officer's report for the current proposal discounts this example as a precedent, saying that:

"the approval referenced on Great Western Street has a less visible position than the application property"

s. This is not accurate, however. Like the appeal proposal, the building at 309 Great Western Street forms part of a terraced row of similar buildings. Unlike the appeal property, it is closer to a side junction, with the result that its rear elevation is far more visible from the street than the appeal proposal (which is invisible from all public vantagepoints).

t. The appellant agrees with the council's original analysis that the dormer at 309 Great Western Street is appropriate in design and appearance and causes no harm to visual amenities, but disagrees that the council has provided a clear justification for reaching opposing decisions on two very similar proposals.

u. The officer's report acknowledges that the appellant's permitted development rights may be considered a valid fallback position. The case officer accepts that these permitted development rights would allow an L-shaped dormer of the type constructed on the roof but argues that the rear part would need to be narrower, and that a narrower extension would be unusable and therefore unviable. This argument is not clearly substantiated.

v. In the appellant's view, a slight reduction in the size of the rear part of the dormer would bring it within permitted development tolerances and, if the appeal should fail, he will pursue this option. His permitted development rights therefore represent a valid fallback position and, in his view, the dormer that has been built does not have any greater visual impact than a modestly smaller version of the same development.

w. The appellant notes that there were no objections to his proposal from neighbours or any other third parties.

7. Conclusions

a. The council does not object in principle to the extension of this property and does not believe that the development causes any harm to close neighbours. It is concerned, however, that the dormer harms the character and appearance of the property and the wider area.

b. The dormer is at the rear and not visible from the public realm. It is not excessively prominent and does not look out of place when viewed from neighbours' gardens.

c. It is a domestic extension of a commonplace design. It uses matching hanging tiles and blends in well with the host property. It is similar to a number of other comparable dormers in the surrounding area, including two dormers a few doors up to the west of the site, and a dormer two doors down to the east.

d. The appellant built the dormer in good faith and notes that it is virtually indistinguishable from a number of other dormers on houses in the wider area (and listed in the Design & Access Statement). He respectfully suggests that it would not be reasonable to refuse permission for something that would usually be, or is very close to being, permitted development. If the appeal were to fail and the council were to seek the removal of the structure, the appellant would fall back upon his permitted development rights to build something similar, albeit modestly smaller.

e. For these reasons, the appellant contends that the proposal represents sustainable development and the inspector is respectfully requested to allow the appeal.

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List of Appendices

Appendix A – Appeal Decision APP/B4215/X/24/3338345
Appendix B – Plans in relation to appeal decision APP/B4215/X/24/3338345
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Appendix D – Officer's Report - 138932/FO/2024
Appendix E – Approved Plans - 138932/FO/2024

The Planning Inspectorate

Appeal Decision

Site visit made on 10 May 2024

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/B4215/X/24/3338345
23 Mauldeth Road West, Withington, Manchester M20 3EQ

- The appeal is made by Steve Farmiloe under section 195 of the Town and Country Planning Act 1990 against a refusal by Manchester City Council to grant a lawful development certificate.
- The application Ref: 137917/LP/2023, dated 24 August 2023, was refused by notice dated 15 January 2024.
- The application was made under section 192(1)(b).
- The proposed development for which the certificate is sought is described on the application form as "Dormers to rear of property".

Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the proposed development at the time of the application. The planning merits of the development are not relevant to the appeal and there is no planning application before me.

3. At the time of the application the property was an unaltered two-storey, end-terrace, pitched-roof house. It had a two-storey outrigger with a side-facing mono-pitched roof. The outrigger had a ridge height lower than the ridge of the house roof and an eaves height lower than the eaves of the house.

4. The proposed development was described by the Council in the decision notice as "Enlargement of dwellinghouse with the installation of a rear dormer". The application was refused by the Council for the following reason: -

   "1) Refuse on the basis that the proposed rear dormer as shown on drawing titled "PROPOSED LOFT CONVERSION" does not constitute permitted development as it would fail to meet the requirements of Part 1, Schedule 2, Class A.1 (f)(i), A.1(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)."

5. The development had been completed in accordance with the application drawing by the time of my visit and I was therefore able to view it 'as built'. It is a level, flat-roofed, structure with vertical walls clad with hanging tiles. The

height of its roof is a few centimetres lower than the ridge of the house roof. It takes up most of the width of the house roof and has replaced the whole of the roof of the outrigger, apart from the guttering at the side and a narrow margin of tiling over the wall at the far edge. It has increased the height of the outrigger by almost 2.5m at the side and by nearly 0.5m where its roof used to join the roof of the adjoining property's outrigger.

6. The development has been carried out as a single building operation and it is not possible to separate out parts of it for assessment. The determining factor is whether the development as a whole is permitted by Article 3(1) and Schedule 2, Part 1, Class A and/or Class B of the Order or is not permitted development at all.

7. Class B permits "The enlargement of a dwellinghouse consisting of an addition or alteration to its roof". The development is not authorised by Class B, since the outrigger's roof has not been added to or altered: as a matter of fact and degree it has been replaced by a third storey.

8. Class A permits "The enlargement, improvement or other alteration of a dwellinghouse", but this is not permitted if any of the provisions of paragraph A.1 of the Class would not be met. The Council's decision refers to the provisions of sub-paragraphs (f) and (i) of paragraph A.1. [sub-paragraph (g) not being applicable in the absence of prior approval].

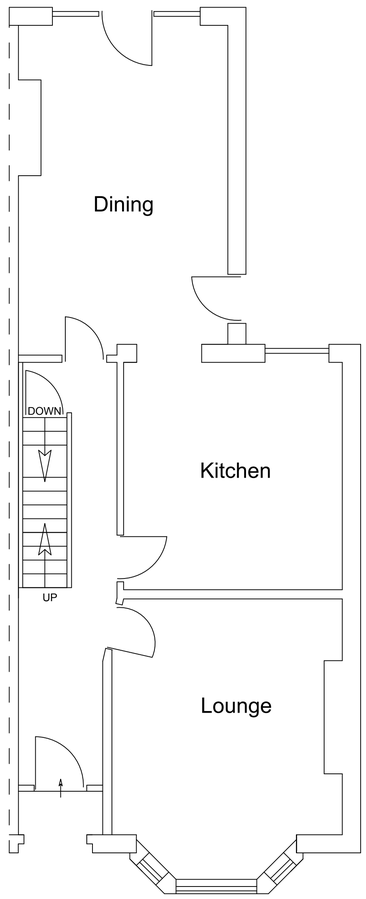
9. The enlargement does not comply with sub-paragraph (f)(i), since it extends beyond the rear wall of the house by more than 3m, and it does not comply with sub-paragraph (f)(ii), since it exceeds 4m in height (measured from ground level in accordance with Article 2(2) of the Order). It does not comply with sub-paragraph (i), since it is within 2m of the boundary of the curtilage of the house and the height of its eaves exceeds 3m above ground level.

10. The appellant has drawn attention to other developments of a similar description that have been carried out in the City and in other parts of Greater Manchester. The Council have explained that the development in the City for which a certificate was granted had a different design and that the other examples referred to in the City are now being investigated. The example in Sale for which a certificate was granted by Trafford Borough Council appears to be very similar to the development in this appeal, but the Council's decision notice does not mention Class A. I have applied the provisions of the Order to the particular development involved in this appeal and have concluded that it is not permitted development for the reasons given above.

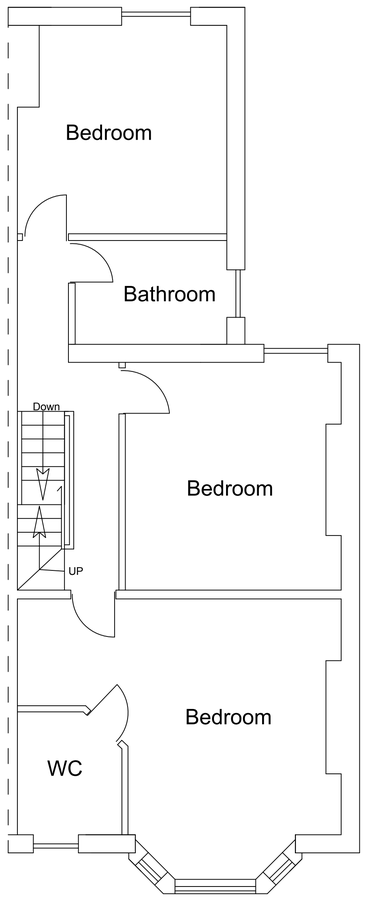
11. I am satisfied that the Council's refusal of the application is well-founded. Planning permission is required and the appeal has therefore been dismissed.

D.A.Hainsworth

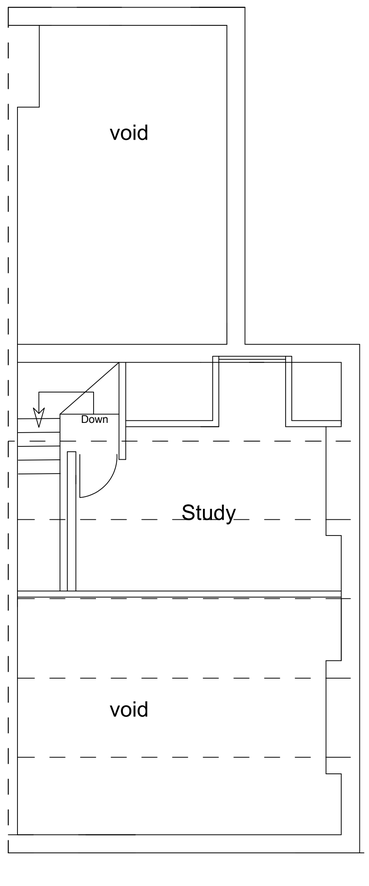
INSPECTOR



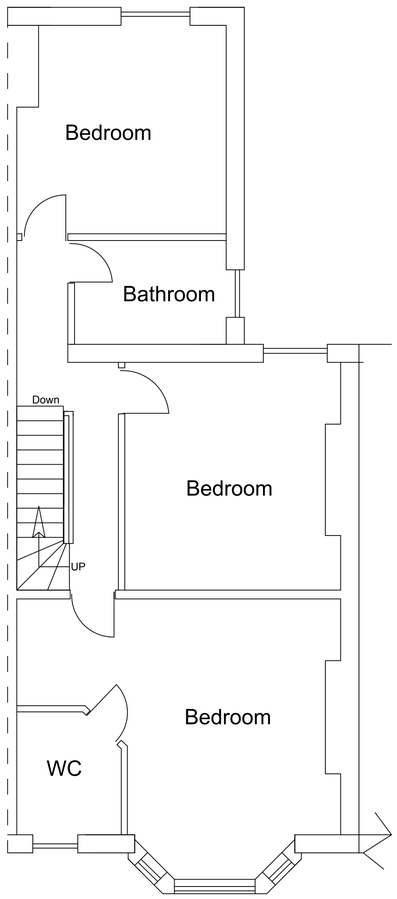
Existing Ground Floor Layout



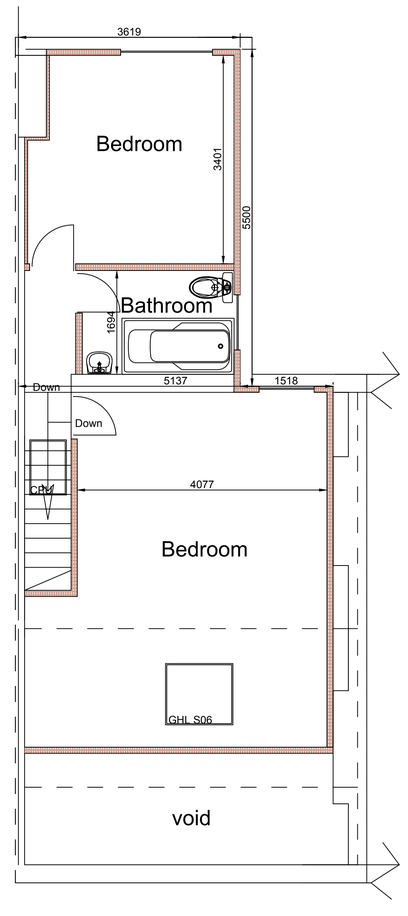
Existing First Floor Layout



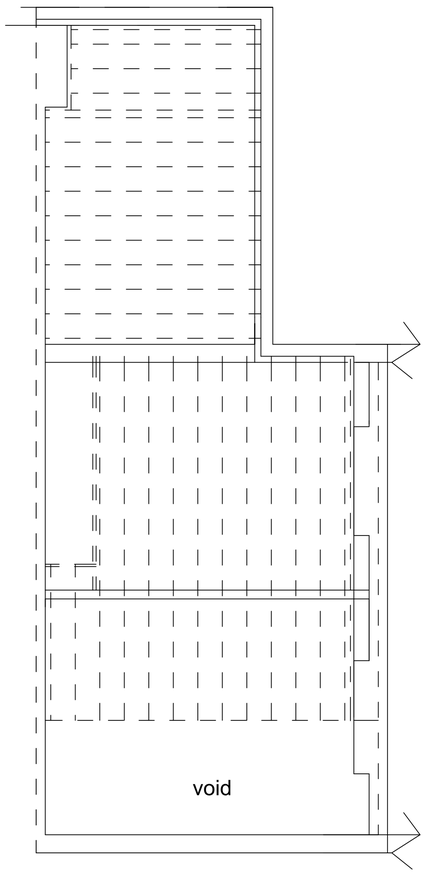
Existing Second Floor Layout



Proposed First Floor Layout



Proposed Second Floor Layout



Proposed Beam Layout

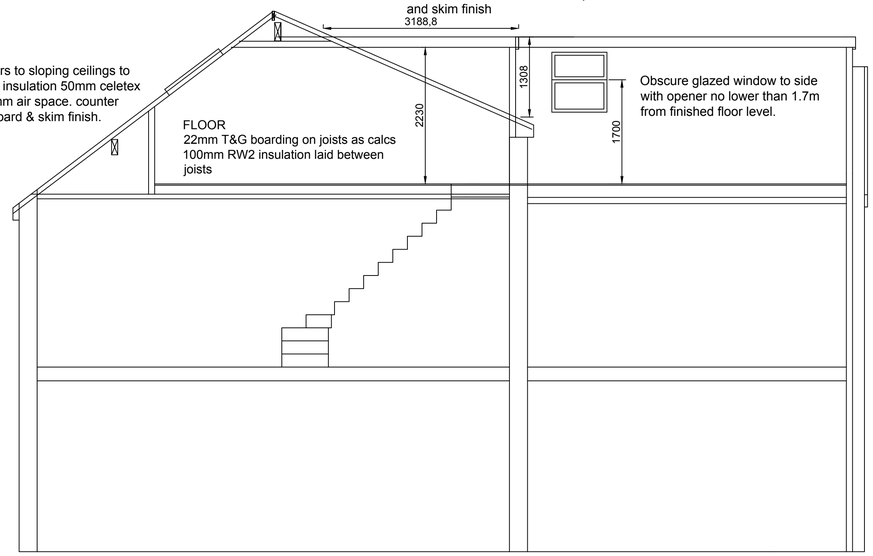
Form room in a roofspace as shown.
(DS) Provide mains operated smoke detectors linked together as shown on all landings.
Refer to calculations for beam/joist sizes.
Velux roof windows and windows to be double glazed with Pilkington K E glass and have trickle vents fitted giving min 8000mm2 openers, min $\frac{1}{20}$th opening lights, draught seals to be fitted
Enclose staircase in 100x50mm studding 12.5mm plasterboard both sides.
Stud walls to room sides to have vapour barrier with taped joints and 150mm fibreglass insulation fitted.
Form staircase 760mm wide 214 rise 238 going
min 50mm winder width min 2.0m headroom/1.80m minimum as diagram 3 Part K handrail/balistrade min 900mm high max gap between balistrades 100mm.
Provide $\frac{1}{2}$ hour fire doors to new bedrooms
internal stud walls to be 100x50mm or 75x50mm studs with plasterboard both sides having a density of 10kgm2 & infilled with rockwool insulation
Trim round rooflights with double rafters.
Fit Code 5 lead flashings and soakers as necessary
Provide slate/tile vents at high/low level as shown.
This drawing is to be used only for Building Regulation/ Planning submission not as a "working drawing" if used as such all dimensions to be checked on site by contractor.
All work to be carried out to satisfaction of Local Authority.
Prior to commencement of work on site, Principal contractor/ Building Owner to produce a method statement with regard to safety of occupiers/employees during building operations.
Builder to allow for safe support of existing/ new structure during contract.
all calculations to be approved by inspection authority prior to instalation

All electrical work to be carrried out to BS7671:2001 and be installed and tested by a competent person. The Local Authority may request a test certificate under the above BS.

ROOF

Thicken out rafters to sloping ceilings to allow for multifoil insulation 50mm celetex insulation & 50mm air space. counter battens Plasterboard & skim finish.

ROOF
Marley deck on 19mm ply on firrings for falls joists as calcs. Multifoil insulation and 50mm celetex counter battens plasterboard and skim finish

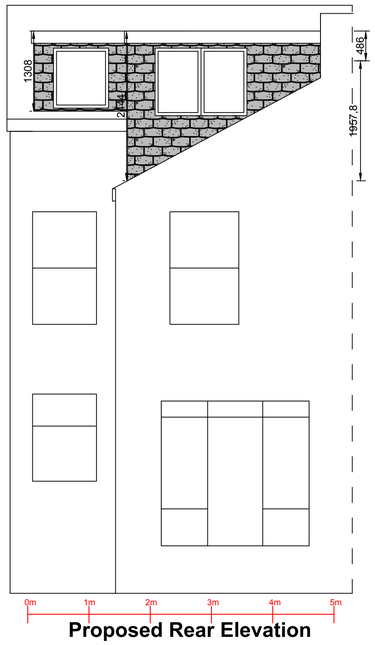


Proposed Side Section Elevation

DORMER SIDES

Tiles on sarking felt on exterior ply on 100x50 stud frame at 450 c/c vapour barrier plasterboard & skim finish 100mm celetex insulation between studs. 175x100 header beam 9.5mm master board behind tiles to cheek on boundary

Main roof dormer
5.137x 1.308x 3.188 /2 = 10.71m3
Rear dormer facing side
5.5x1.957x3.619 /2 = 19.47m3
5.5x0.486x3.619 = 9.67m3
total = 39.85m3
Chimney
0.456x1.434x0.486= 0.31m3
39.85 - 0.31 = 39.54m3 Total



Proposed Rear Elevation

Proposed loft conversion at :

23 Mauldeth Road West
Withington
Manchester
M20 3EQ

CLIENT:	Steve Farmiloe
DATE:	August 2023
SCALE:	1:50 @ A1
DWG No:	Lawful Development Certificate
L.A:	
AMENDMENTS:	DATE:

Topflite
Loft Conversions

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant	Agent (if used)
Mr Jabril Muridi 309 Flat Above Great Western Street Manchester M14 4BZ	Mr M Ahmed M1 Architecture ltd 7 Margate Avenue Manchester M40 2TW

Part 1 – Particulars of the application/development

Proposal: Installation of rear dormer roof extension to provide additional living accommodation

Location: Flat Above, 309 Great Western Street, Manchester, M14 4BZ

Date of application: 2 January 2024

Application number: 138932/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the Applicant / Agent in a positive and proactive manner in order to guide the Application through all stages of the Planning process, and have resolved issues that have arisen whilst dealing with the Planning Application. The application has been determined in accordance with bost national and local policies.

Condition(s) attached to this decision

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:
2317 01 Rev A-proposed site plan
2317 04 Rev A- proposed floor plans
2317 05 Rev A- proposed elevations
All received by email from agent 26th February 2024.

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 external facing materials to be used on the extension hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale, this includes mortar and patching in.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension and in the interests of the visual amenity of the area within which the site is located, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy

4) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings ref: 2317 04 Rev A Proposed Floorplan and 2317 05 Rev A Proposed Elevations received 26th February 2024.

5) 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 part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Informatives

Building Regulations 2010
This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements
Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance

with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:
http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Date: 28 February 2024

Signed:

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138932/FO/2024
Date registered valid:	2 January 2024
Proposal:	Installation of rear dormer roof extension to provide additional living accommodation
Address:	Flat Above, 309 Great Western Street, Manchester, M14 4BZ
Ward(s):	Moss Side Ward
Applicant:	Mr Jabril Muridi
Agent (if any):	Mr M Ahmed M1 Architecture ltd
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	28 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 26th February 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 9 January 2024 Expired: 30 January 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

The property that is the subject of this application is a 2 storey brick built terraced property, within a small parade of commercial units , some of which have residential to the upper floors, and some are in use as storage for the commercial unit s below. The ground floor of number 309 is commercial, with the first floor and loft providing a 2 bedroom duplex residential flat. There is a small yard area to the rear, this accessed through a gated alleyway which runs along the rear of the property. To the front of the property, the commercial use sits to the back of the pavement with a forecourt frontage.

Description of area
The area is predominantly residential with small pockets of commercial along this stretch and on the opposite side of the road, with the side streets being residential terraces too.

Description of development
The proposal is for the installation of an 'L' shaped dormer within the rear elevation. The resultant accommodation will provide 2 bedrooms. The materials to be used will match those of the existing property.

Consultations & Notification Responses
Local Residents -were informed no representations have been received.

Policy

National Planning Policy Framework
The new National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Development Plan
Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:
o creating well designed places,
o making a positive contribution to health, safety and well-being,
o considering the needs of all members of the community, and
o protecting and enhancing the built and natural environment.
Policy DM1 (Development Management) - This policy seeks to protect the amenity of an area from the adverse impacts of development. In particular the impact of the proposed development on amenity, vehicle access and car parking.

Issues
Principle

This application seeks to improve the standard of accommodation of the existing accommodation and the loft conversion would provide 2 bedrooms. It would be in use as a single dwelling residential unit, and any consent would be conditioned to that effect. The principle of creating additional living accommodation in an existing residential unit is considered acceptable in principle. Therefore, the proposed development is considered acceptable and accords with Core Strategy policies DM1 and SP1.

Design of the Dormer
The property is an 'L' shaped dormer and follows the footprint of the existing property being within the main house and the outrigger. It is the same as other dormers on properties within the area. There are no windows in the side elevation of the dormer with the windows being in the rear.
The dormer to the rear would be a quite simple flat roofed design, the existing building has very little architectural merit to the rear, and it is considered that the dormer on the rear will have a neutral contribution to the character of the building. It is considered that the new dormer would not be visually obtrusive within the street scene. On balance the design of the proposed rear dormer is considered to be acceptable.

Residential amenity
The dormer will provide additional headroom for the existing reconfigured duplex flat, whilst affording no additional views into and out of the property. It would improve the residential amenity for the existing and future occupants of the flat.
The two windows in the rear would serve the two bedrooms. Being on the rear there is no detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties.

Visual Amenity.
The proposed dormer would not be highly visible from within the street scene, and in any event there are quite a few others already in existence. As such they are no longer an alien feature when viewed against the character of the properties themselves, or the area within which they are located.

Parking
There is no parking with the property and so is not impacted

Waste Management
No change to existing situation.

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 in order to guide the Application through all stages of the Planning process and have resolved issues that

have arisen whilst dealing with the Planning Application. The application has been determined in accordance with both national and local policies.

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:
2317 01 Rev A-proposed site plan
2317 04 Rev A- proposed floor plans
2317 05 Rev A- proposed elevations
All received by email from agent 26th February 2024.

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 external facing materials to be used on the extension hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale, this includes mortar and patching in.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension and in the interests of the visual amenity of the area within which the site is located, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy

4) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings ref: 2317 04 Rev A Proposed Floorplan and 2317 05 Rev A Proposed Elevations received 26th February 2024.

5) 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 part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

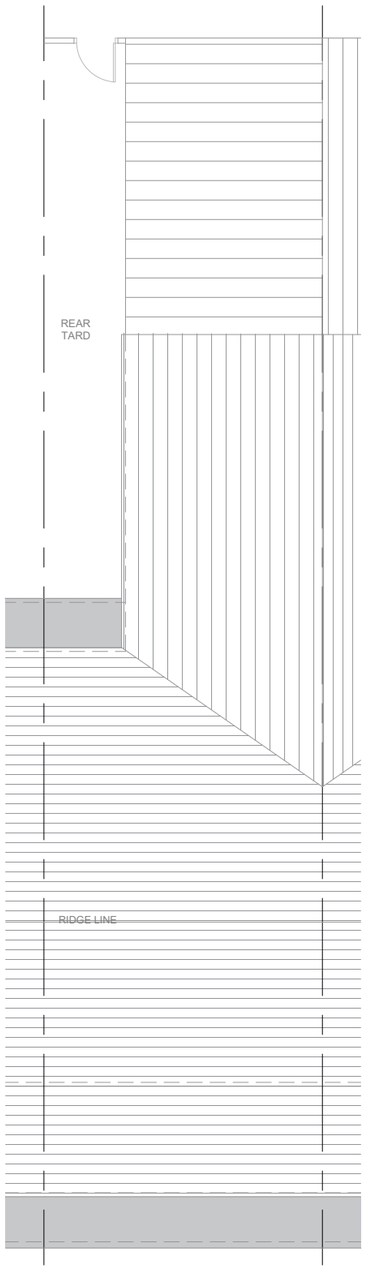
Appendix 1 – List of consultees & neighbours notified

Top Flat, 311 Great Western Street, Manchester, M14 4BZ
307 Great Western Street, Manchester, M14 4BZ
1 Roberts Avenue, Manchester, M14 4DB
311 Great Western Street, Manchester, M14 4BZ
309 Great Western Street, Manchester, M14 4BZ
33 Playfair Street, Manchester, M14 4DD

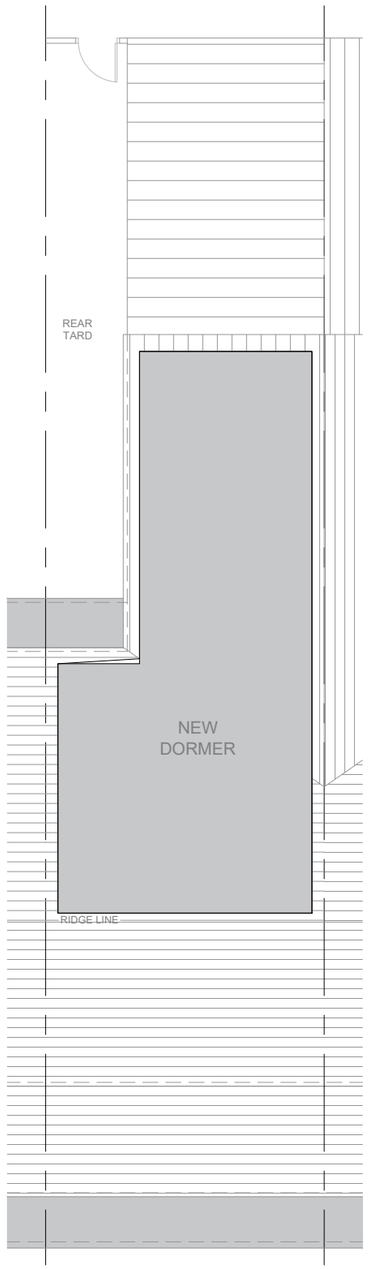
Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA

All These drawings are for the purpose of achieving local authority planning and building regulations plans approval only and should not be used as a working drawings for building construction. These design drawings must be read in conjunction with structural engineers design, drawings and calculations.



Existing Site Plan



Proposed Site Plan

Site Plan 1100@A3

Existing & Proposed

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M1 Architecture LTD
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Great Weatern St

309 Great Weatern St

2317

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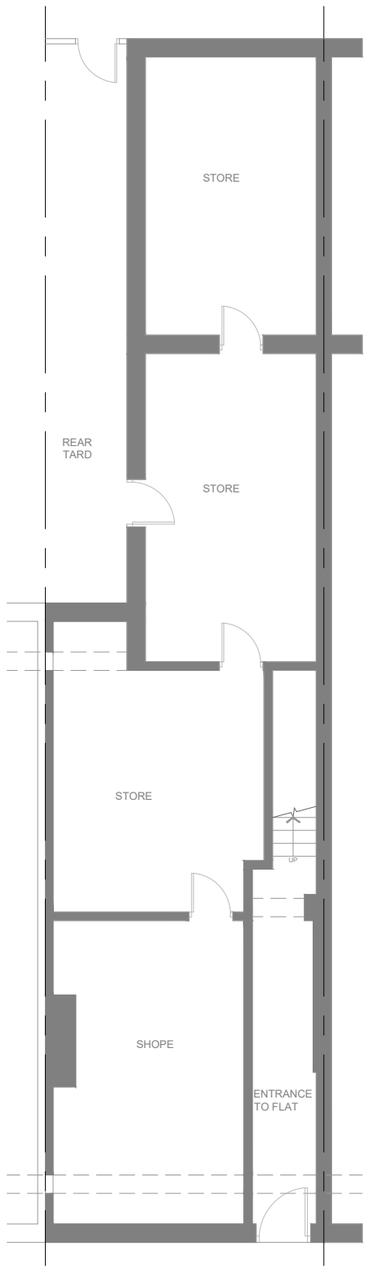
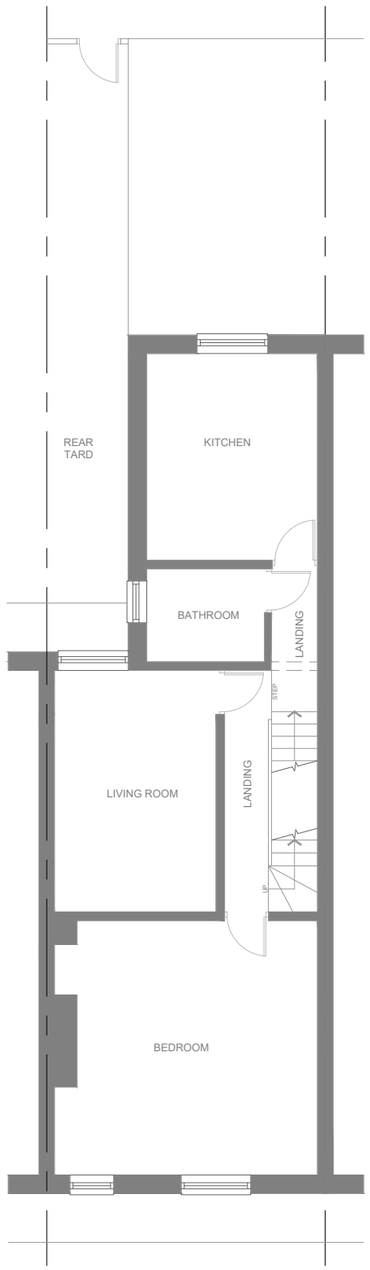
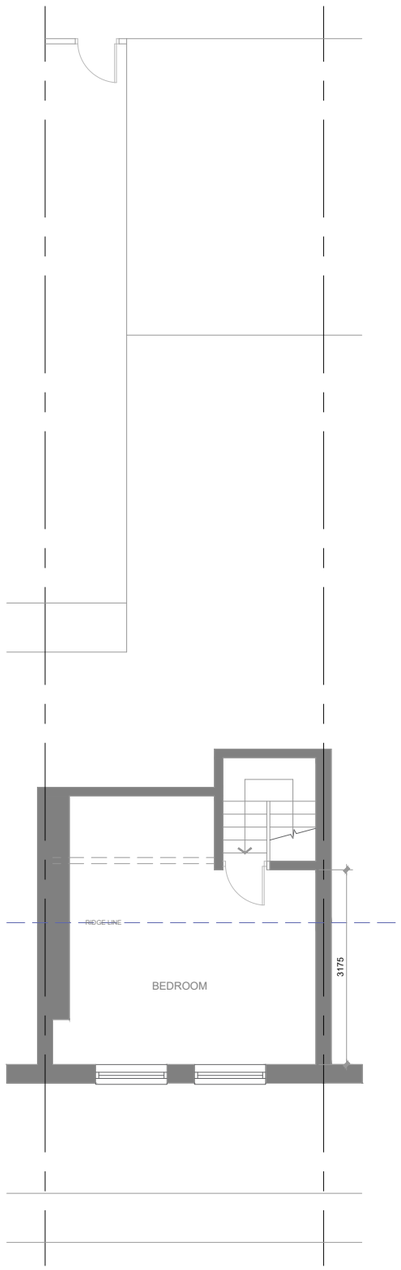


Ground Floor Plan



First Floor Plan



Loft Floor Plan

Floor Plans 1:100@A3

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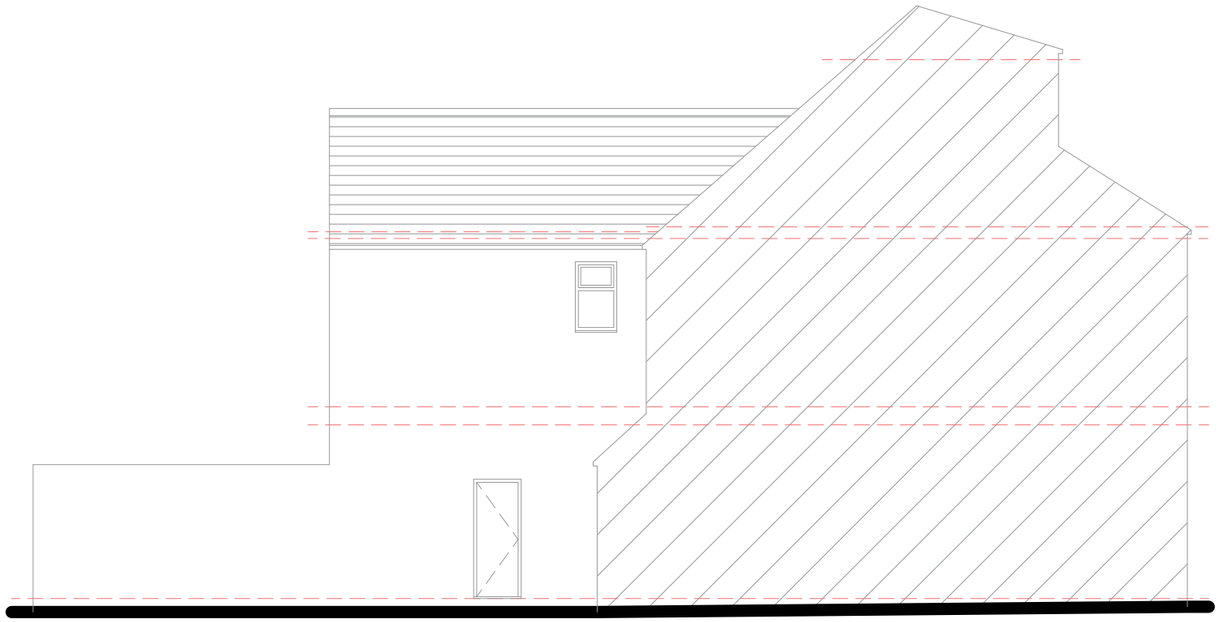
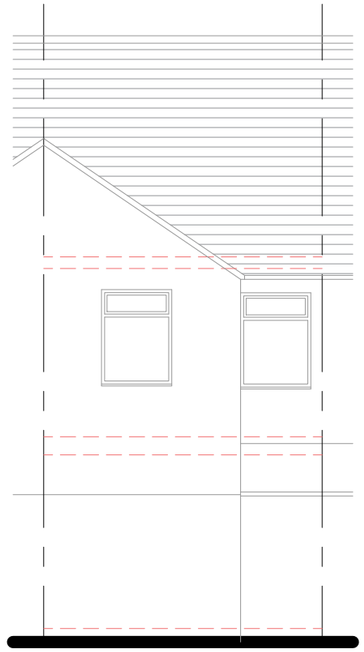
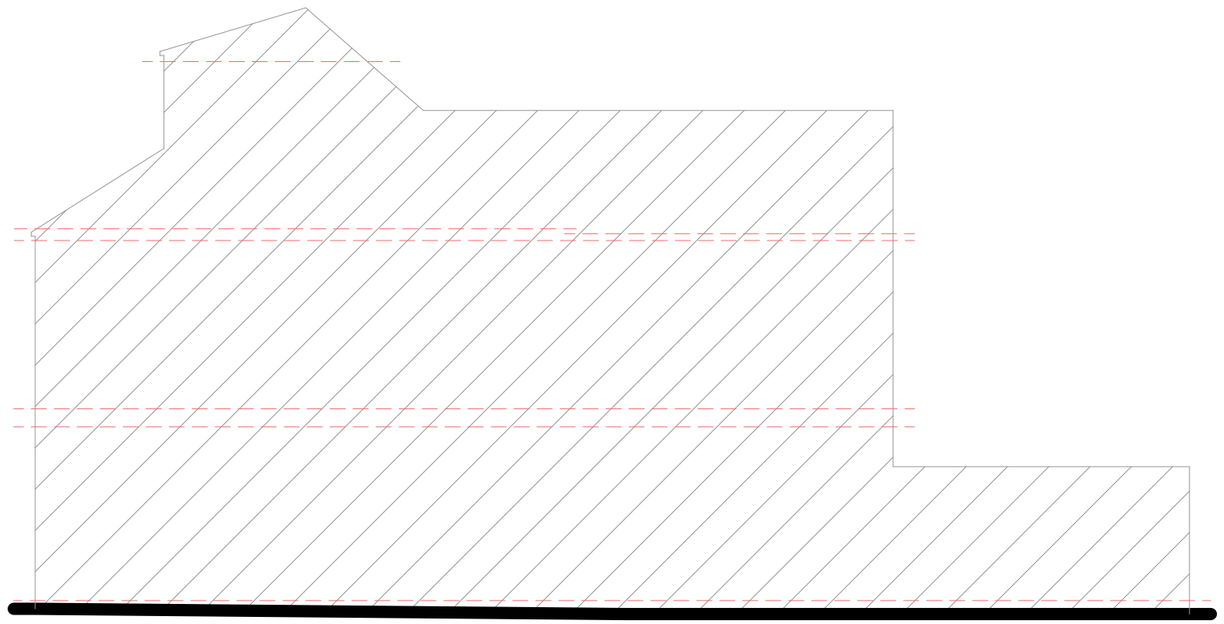


Side Elevation 1



Rear Elevation



Side Elevation 2

Elevations 1:100@A3

Existing

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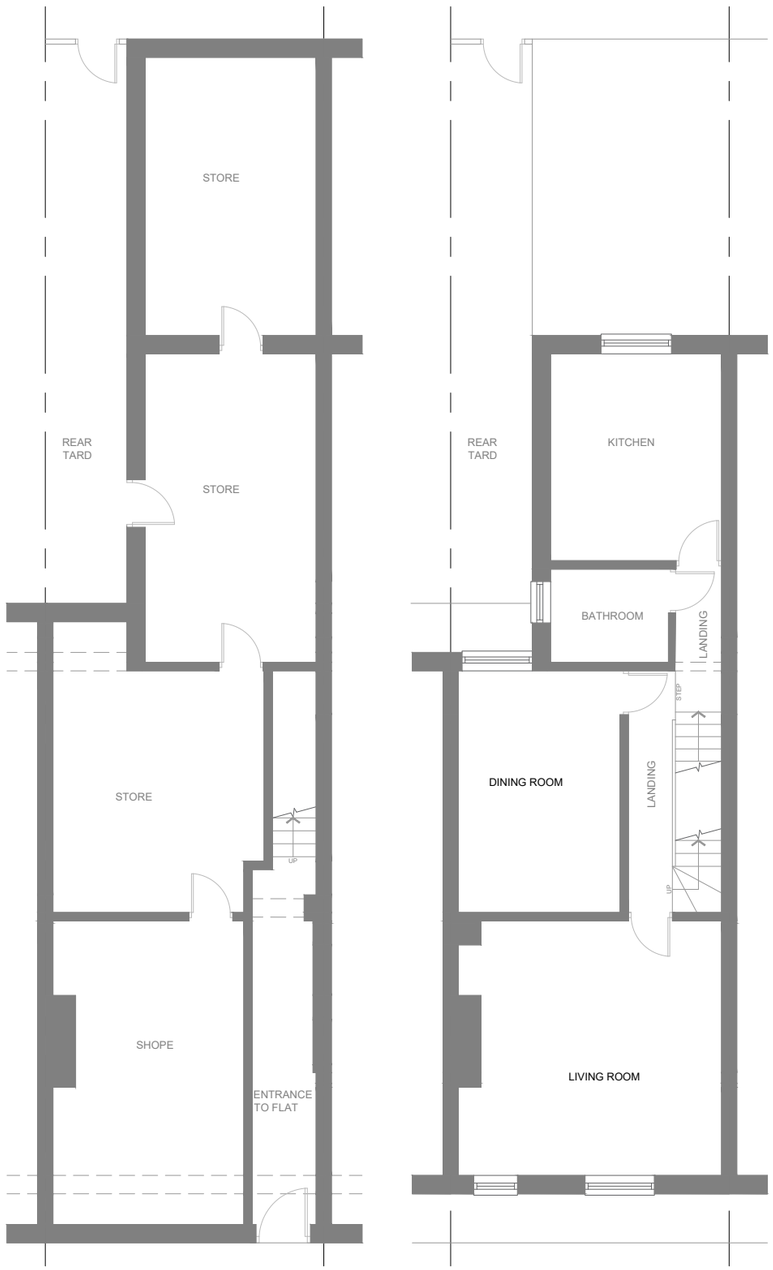

Ground Floor **First Floor** **Loft Floor**

Floor Plans 1:100@A3
Proposed

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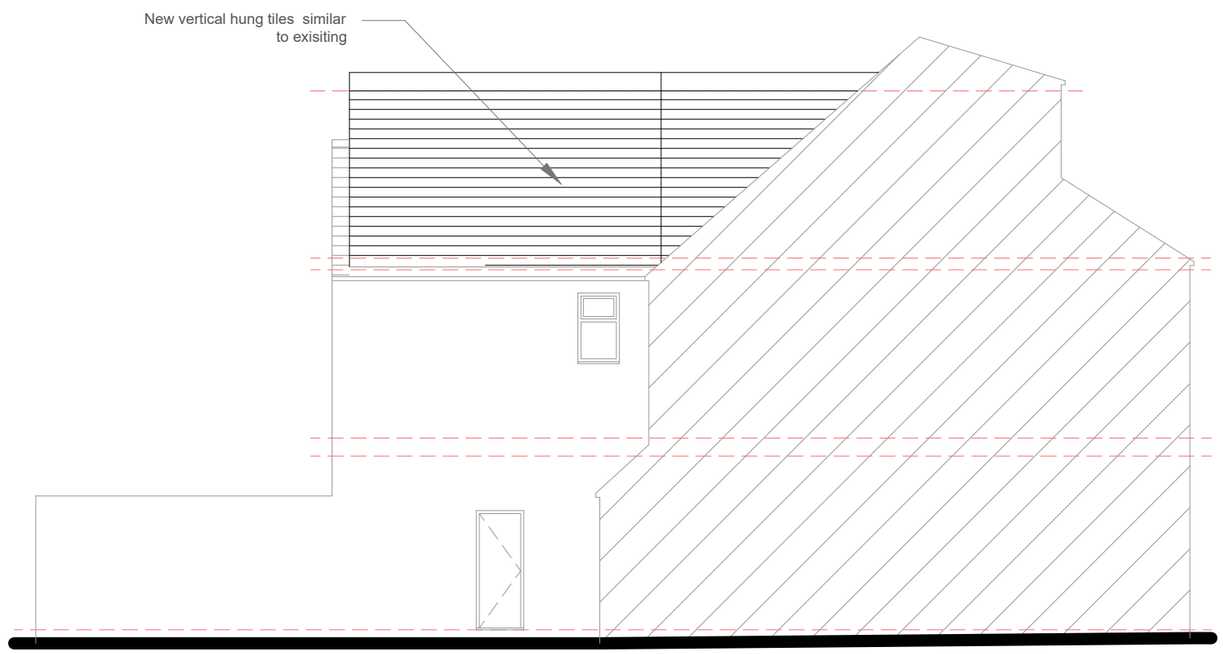
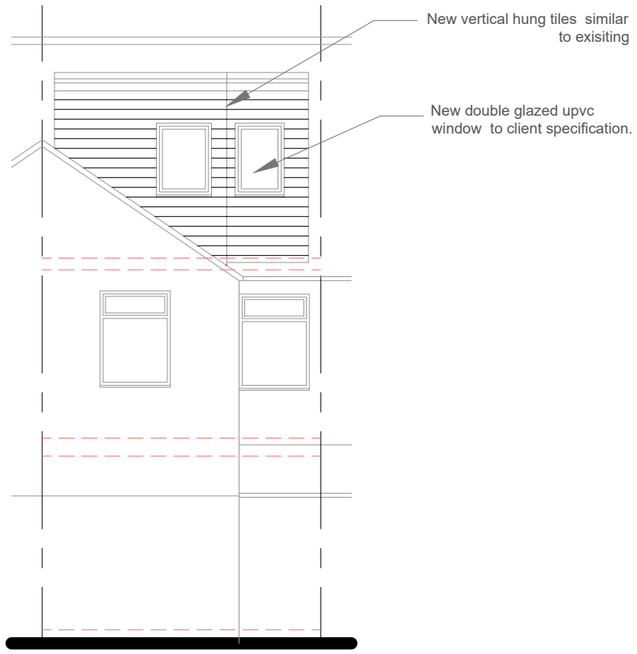
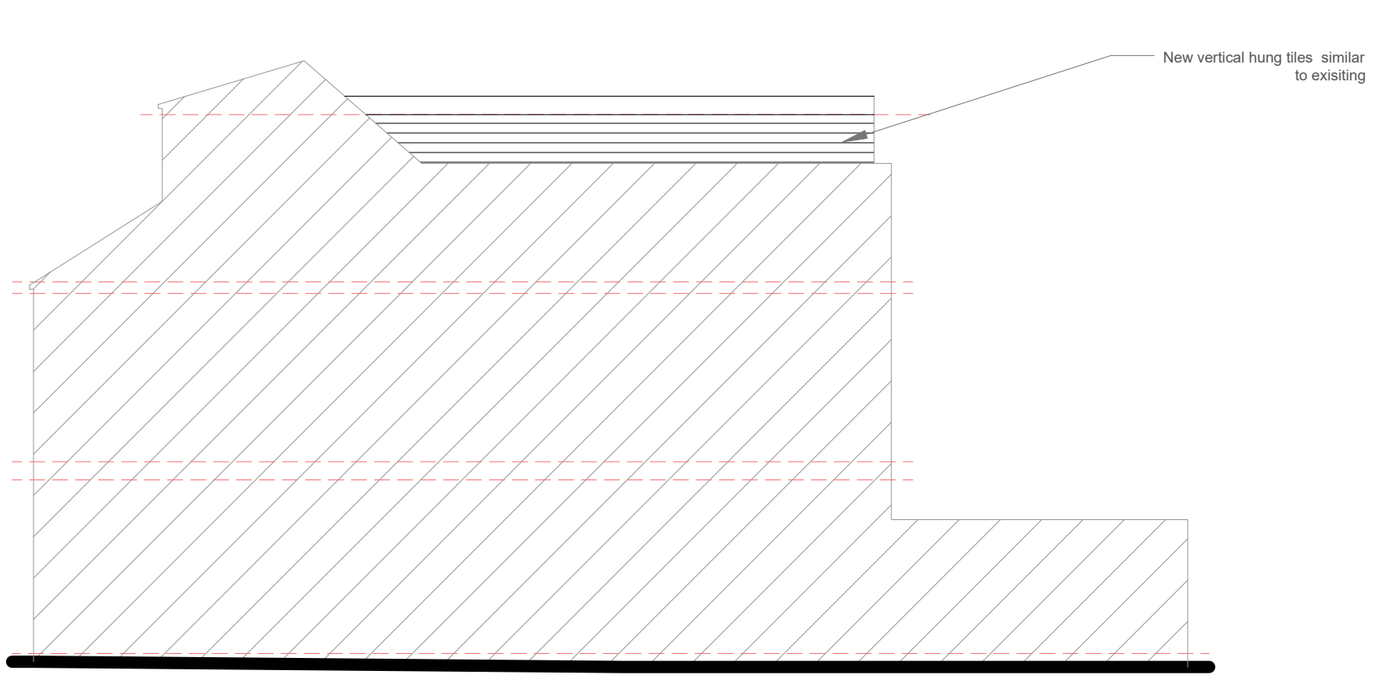


Side Elevation 1



Rear Elevation



Side Elevation 2

Elevations 1:100@A3

Proposed

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