

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140328/FH/2024
Date registered valid: 20 June 2024
Proposal: Retrospective permission for the erection of a rear L shaped dormer
Address: 23 Mauldeth Road West, Manchester, M20 3EQ
Ward(s): Old Moat Ward

Applicant: Mr Farmiloe
Agent (if any): Mrs Melanie Scarff Entwistle Design Services
Case officer: Jake Walther
Tel: 0161 234 1632
Email: jake.walther@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 12/08/2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 07/08/2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 3 July 2024 Expired: 24 July 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 relates to a two-storey class C3 terraced dwellinghouse on Mauldeth Road West. The property is built from red brick with blue roof tiles on a gable roof. The property features a modest front garden with hardstanding for vehicle parking for 1 car, with access to the rear garden via a shared alleyway. The property also features a small outbuilding at the rear of the garden.



Figure 1. View of dormer in situ.

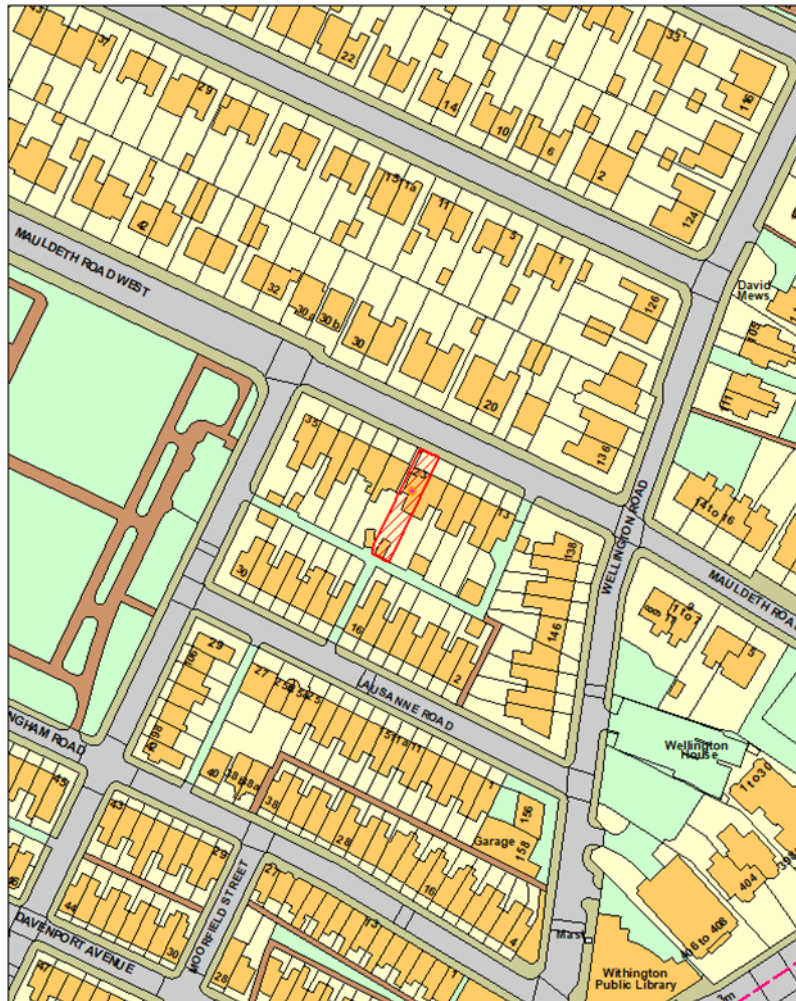
Listed building: Not applicable

Conservation area: Not applicable

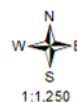
Tree Preservation Order: Not applicable

Description of area

Mauldeth Road West is within the Old Moat Ward of Manchester and connects Barlow Moor Road to Mauldeth Road. The area is predominantly residential in terms of its character comprising of a range of semi-detached, detached and terraced houses with Old Moat Park and a parade of shops around Yew Tree Road being in close proximity.

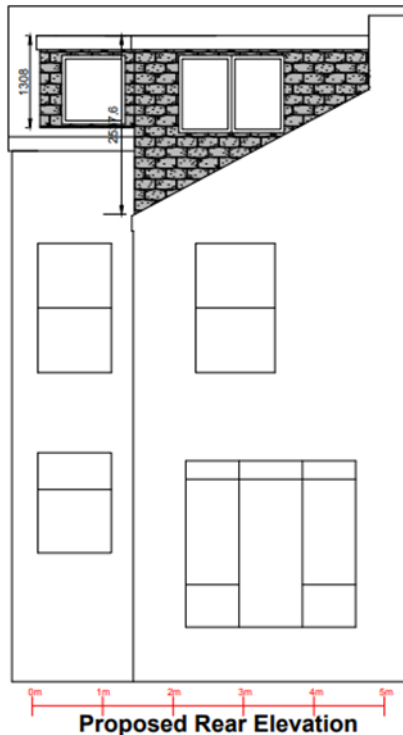
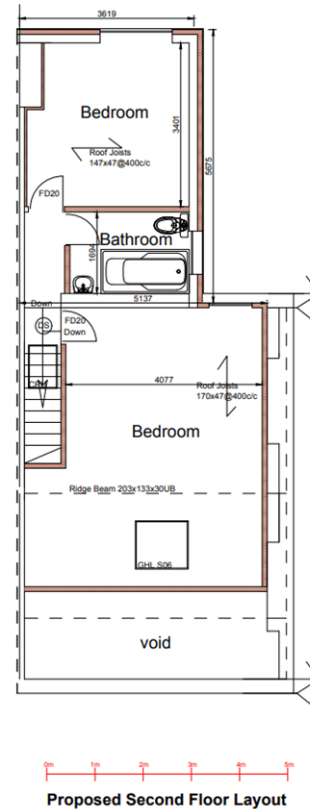


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Description of development

The applicant is seeking retrospective planning permission for a rear L-shape dormer to provide additional living accommodation including two additional bedrooms and a bathroom, and follows



the refusal of a previous certificate of lawful proposed development and dismissal on appeal. The submitted application forms indicate that the development subject of the application was completed on the 20th December 2023. Amended drawings were requested to reflect the as built dormer subject of the application. Whilst amended drawings have been provided within the statutory timescales of determining the application it is noted that these drawings do not accurately reflect the completed dormer with side and rear facing windows on the element of the dormer on the outrigger roof differing on the installed dormer in terms of size and type. It is also noted that the element on the outrigger roof extends further up the chimney stack than shown on the drawing.

Planning History

137917/LP/2023 – Certificate of Lawful Proposed Development for Enlargement of dwellinghouse with the installation of a rear dormer - Refused 15.01.2024 for the following reason –

“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).”

Subsequent appeal reference APP/B4215/X/24/3338345 dismissed on the 5th June 2024 by Inspector Hainsworth. The inspector concluded that the dormer roof was not authorised by Class B of the GDPO as amended as a matter of fact and degree the dormer had replaced the dormers roof with a third storey and; as it extended beyond the rear wall of the existing dwellinghouse by more than 3 metres, exceeded 4m in height from ground level, and as it is within 2m of the boundary of the curtilage of the house and the eaves exceeds 3m above ground level then the dormer does not comply with paragraph A.1 sub-paragraphs (f)i) and (f)ii) and sub paragraph (i). The full appeal decision is set out in Appendix 3 of this report.

Consultations & Notification Responses

Local residents, as per appendix 1 - no comments or objections received.

Policy

The Manchester Core Strategy Development Plan Document 2012-2027 –

The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and forms the framework that planning applications are assessed against. We consider the following Core Strategy Policies relevant to this proposal.

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 – Waste

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy is still considered relevant to this proposal.

- DC1 - Residential Extensions

Places for Everyone

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 following policies are relevant:

- S1- Sustainable development

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective
- a social objective and
- an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- Chapter 8. Promoting healthy and safe communities.

- Chapter 12. Achieving well-designed and beautiful places.

Principle

The submitted application is for the retention of a rear L shape dormer to form additional living accommodation. This is considered acceptable in principle as many people prefer to alter or extend homes, rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed alteration would give rise to any significant additional waste or car parking pressures.

Whilst the principle of extending is accepted, the proposal is considered to be overly large and bulky and as a result would introduce an obtrusive feature, which would have a detrimental impact upon the amenity levels currently enjoyed by the neighbouring occupiers.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy.

Sitting, Scale and Mass

The rear dormer is in an L shape across the rear roof, the outrigger section of the dormer would measure 3619mm x 5675mm with a height of 2537.6mm, whilst the portion of the dormer positioned on the main roof would measure 5137mm x 3188.8 with a height of 1308mm.

Whilst the section of the dormer within the main roof of the property would be set in from the roof edge, ridge and the eaves, the return element of the dormer positioned on the outrigger, would be built up from the main side and rear wall of the existing two storey rear outrigger. This would read as a second-floor extension rather than a dormer thus resulting in a three-storey projection at the rear. As set out in the decision of Inspector Hainsworth in dismissing the appeal reference APP/B4215/X/24/3338345 at paragraph 7 of the appeal decision, the dormer extension on the outrigger roof is as a matter of fact and degree a third storey extension given its size and siting. In addition, the proposal would increase in height above the outrigger finishing in line with the original ridge of the existing property. Windows would be located on the rear elevation with a high-level window positioned on the side elevation.

Saved UDP Policy DC1.2(a) and (c) states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the plan and provided following criteria can be met: "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 the original buildings" and "they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details. It is considered that the proposal would introduce a feature which would be of character along the street scene and thereby would disproportionately adversely impact on the visual amenity of the neighbouring occupiers in terms of outlook and given the bulk of the installed structure. Thereby the proposal fails to satisfy this policy requirement.

Residential Amenity

The site is located within a predominantly residential area and is characterised by large and moderate sized semi-detached properties.

The development does contain rear and side facing windows, the side window serves a bathroom and is noted on the submitted plans as being obscurely glazed. As set out earlier within this report the installed window appears to differ from that shown on the approved drawing with an additional side glazing panel to that shown on the drawing which appears to be openable. Whilst this may provide some opportunities for overlooking it is noted that there is an

existing side window at first floor also serving a bathroom. As such it is not considered that the positioning of the side window gives rise to unacceptable or significantly differing impacts on the residential amenity to the adjacent residential property. If the proposals had been acceptable a condition would have been imposed for this window to be obscurely glazed. The rear facing windows to the dormer would face down the private garden area of the property having the same relationship as the first floor windows. Given the length of garden and separation to residential properties to the rear on Lausanne Road it is not considered that the rear facing windows in the dormer would give rise to unacceptable impacts on residential amenity in terms of overlooking or loss of privacy.

Whilst the dormer may give rise to some overshadowing of the space between the application property and the adjacent property to the west at number 25 Mauldeth Road West, this space would already be experiencing some overshadowing due to the two-storey outrigger. The orientation of these properties would limit these impacts to earlier in the day, as such the proposals is not considered to give rise to significant impacts in terms of overshadowing or loss of daylight to adjacent properties.

Design and Visual Amenity

The proposal makes use of tiles to match the existing roof, with dark grey uPVC windows, with the dormer having a flat roof.

Whilst there are elements of the proposal's design which are considered acceptable, such as the portion of the dormer positioned within the main roof and its use of matching materials, arguably the unacceptable features of its design override this, thus warranting the refusal of this application.

The site is located within a predominantly residential area and is characterised by large and moderate sized properties. Although some of the properties within the area have seen visible changes to the roofs by the additions of dormers, the Council believes that the changes are modest and do not impact on the existing properties or the character of the area. Other similar dormers referred to in the applicant's submission are under investigation by the Council and the approval referenced on Great Western Street has a less visible position than the application property.

The City Council believe that to introduce a structure of this size to this part of the property does cause visual harm leading to an unacceptable loss of visual amenity and therefore considers the proposal to be unacceptable in this case.

Overall, taking into consideration the relationship of the adjacent properties to the application site, the position, height, mass and bulk of the proposal, it is considered that the rear dormer would result in a structure which would be out of character with the existing and surrounding properties in the area. Therefore, the proposal does not comply with policies DM1, SP1 and EN1 of the Manchester Core Strategy and extant policy DC1 of the Unitary Development Plan.

Fallback position

In order to provide a fallback position that would meet permitted development rights the dormer element on the outrigger roof would need to be pulled further away from eaves line so that it would not project from the rear wall of the dwelling. Given the arrangement of the rear wall and roof of the outrigger, it is considered that such a dormer addition would result in a much narrower built form and result in a space that is likely to be unusable and not a viable fallback position.

An additional bedroom could still be provided by a dormer sitting within the main roof and set off the eaves as required under Class B of Part 1, Schedule 2 of the General Permitted Development Order as amended, the Council has no objection to this element of the proposal.

Conclusion

On balance, whilst the proposals would provide additional living accommodation at the property in the form of two additional bedrooms and a bathroom, the proposal is considered to be unacceptable and does not respond positively to The National Planning Policy Framework (NPPF), (December 2023); The Manchester Core Strategy Development Plan Document policies DM1, SP1, and EN1; Saved policy DC1 of the Unitary Development Plan for Manchester; and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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: Refuse

Article 35 Declaration

In this instance it is considered that there are significant issues with the constructed dormer and a satisfactory solution is not possible due to the retrospective nature of the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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.

Appendix 1 – List of consultees & neighbours notified

22 Mauldeth Road West, Manchester, M20 3EG
25 Mauldeth Road West, Manchester, M20 3EQ
18 Lausanne Road, Manchester, M20 3EU
16 Lausanne Road, Manchester, M20 3EU
14 Lausanne Road, Manchester, M20 3EU
24 Mauldeth Road West, Manchester, M20 3EG
21 Mauldeth Road West, Manchester, M20 3EQ
20 Lausanne Road, Manchester, M20 3EU

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 3 (high risk) -
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Yew Tree Road/Mauldeth Road West)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA



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".
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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
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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