MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140001/FH/2024
Date registered valid:	30 May 2024
Proposal:	Installation of rear dormer together with hip to gable roof alteration
Address:	89 Victoria Avenue East, Manchester, M9 6HE
Ward(s):	Charlestown Ward
Applicant:	Mr Nazirullah
Agent (if any):	Mr Dean King, NK Architectural
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	23 July 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 19 June 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 31 May 2024 Expired: 21 June 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: No

Tree Preservation Order: No

Description of site / building / area

The application relates to a two storey, bay fronted, semi-detached dwellinghouse on the north side of Victoria Avenue East in the Charlestown ward of north Manchester. There are other detached and semi-detached properties in the vicinity comprising of a mix of traditional, new build and roof configurations.

The application site benefits from existing amenity space along the front, side and rear, including off-street car parking for several vehicles; together with a single storey side extension and rear conservatory. The existing rear garden is relatively deep. An area of green space, footpath and dense mature trees runs along the rear boundary of the application site.

Site History

- No record.

Description of development

The initially submitted plan proposed the installation of rear dormer together with hip to gable extension and installation of front roof gable.

Revised plans were subsequently submitted, (dated, 10/07/2024 and 19/07/2024). The agent now wishes to pursue the rear dormer and hip to gable conversion only, and therefore, the title description has been subsequently amended to reflect the latest sets of plans. The revised plan would comprise of:

- Clarification was sought regarding the initially submitted location map site edged in red. A revised Location plan has been subsequently submitted, (dated,10/07/2024).

- The initially proposed installation of front roof gable element has been removed. The revised plan would now relate to a rear dormer and hip to gable conversion.

The proposed rear roof dormer measuring approximately, (7308mm wide x 4056mm deep x 2382mm maximum height) would be centrally placed along the rear roof plane whilst being set away from the boundaries. It is also set below the original roof ridge and above the eaves and would include 3no. windows along rear elevation - 1no. small centrally positioned window, flanked by 1no. each Juliet balcony either side) . It is intended to use zinc or composite panel cladding for the dormer wall. The submitted plan would also comprise of an elevational alteration proposing a hip to gable roof conversion, together with 1no. window along the second floor gable elevation.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objections, comments, or representations was received from one local resident.

The full grounds of their objection are set out below and they wish to highlight several areas of concern and irregularities:

- The objector has raised concerns in relation to the submitted location plan, which it is claimed has included land not in the ownership of the applicant.

- The objector is concerned about the huge dormer to the rear of the property creating a 3rd floor which they feel would overlook and result in loss of their privacy.

- The objector wishes to highlight that the dwellinghouse, together with other similar dwellings along street were built some 94 years ago and are recognised and admired in the community, and whilst they have adhered to the visual image to the front elevation of the property, this application will completely change the overall look of the front and back of the property and in their opinion not for the better.

- They are also concerned that the existing car parking arrangements would be affected as the proposal seeks to increase the house to a six-bedroom property and would not wish to see the front their property littered with random vehicles.

- Concerns have also been expressed if the dwelling is registered as an HMO property.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021):

- Chapter 12: Achieving well-designed places.

2. Places for Everyone (2024) -

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The plan was adopted by the Council on 20 March 2024 and will come into effect from 21 March 2024. The plan sets out the kind of development that takes place across the city-region. It maximises the use of brownfield land and urban spaces; protects green belt land from the risk of unplanned development; releases some sites for housing and employment in key locations; ensures we integrate all new developments into Greater Manchester's transport network. Otherwise, new roads and transport will support them. The Plan and its policies are now a material planning consideration in the determination of planning applications, and therefore be given significant weight in the planning balance.

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 for Residential Extensions is still considered of relevance.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:

- Chapter 2: Design

ISSUES

In this instance, revised plans were subsequently submitted, (dated, 10/07/2024 and 19/07/2024) and the title description subsequently amended to reflect the latest sets of plans.

Principle

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers. Notwithstanding this factor, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (rear roof dormer extension) - In light of the fact that rear roof dormer extensions would generally fall within householder general permitted development and an application for planning permission would not be usually required for the nature of the property, given this fall back position and coupled with the revised plans, (dated, 19/07/2024), it is not considered that the proposed rear roof dormer extension would unduly impact on residential and visual amenity, nor would it adversely impact on the character of the property or general area as it would not be visible from the immediate highway; together with the fact that there are no undue overbearing, overshadowing, or loss of privacy impacts; and therefore, subject to planning conditions the proposal could be accommodated in this location in this instance. It is therefore recommended that the proposed dormer window to serve the Ensuite would be obscurely glazed in the interests of privacy, and a materials condition is also recommended requiring samples and specifications of the external zinc or composite cladding to be provided to the local planning authority for further assessment.

Impact of works (elevational alteration, hip to gable roof alteration, together with 1no. window along the second floor gable elevation.) - In terms of the proposed elevational alterations, involving conversion of the existing hipped roof to a gable end, together with 1no. window along the second floor gable elevation, it is not considered that this element would present any significant adverse impacts to residential or visual amenity, or the character of the property. Additionally, in design terms, it would mirror the neighbouring dwellinghouses along the street scene - which is characterised by a mix of pitched and hip roofs. Moreover, given the fact that such works would generally fall within householder general permitted development and an application for planning permission would not be usually required for the nature of the property, given this fall back position, it is considered that this element of the submitted plan would be acceptable as it is unlikely to present any significant adverse impacts to residential or visual amenity.

Impact of works (Design and appearance) - Whilst it is intended to use bricks and upvc to match the existing house, it is unclear from the submitted information how the proposed zinc or composite panel cladding for the external dormer wall would effect the appearance. It is

therefore recommended that a condition is attached requiring samples and specifications of the external zinc or composite cladding to be provided to the local planning authority for further assessment; pursuant with The Manchester Core Strategy Development Plan Document Policies SP1 and DM1 and saved Policies DC1 of the Unitary Development Plan.

Impact of works (Car parking) - The objector's comment in relation to this matter has been duly noted; however, it is considered that as the proposal would not result in the loss of any of the existing on-site car parking spaces; although pavement parking continues to be the norm along the Victoria Avenue East street scene would not warrant the refusal of planning permission in this instance; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Impact of works (Waste management) - The existing arrangement would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document policy DM1, EN19; and saved policy DC1 of the Unitary Development Plan.

Boundary Encroachment - A revised Location plan has been subsequently submitted, (dated,10/07/2024), in addition, the submitted plans indicate that the proposed development would be contained within the curtilage of the application site and would be set off the boundaries of the neighbouring properties. This issue, however, is a civil matter.

Use of dwellinghouse as an HMO - Concerns raised in relation to the extended property being a registered HMO, or, used in the future as an HMO have been noted and a condition regarding this matter is proposed to be attached to any recommendation for planning approval.

Objectors' comments - In terms of the planning comments raised by the objector, these have been duly considered in the issues section above. Comments relating to civil matters, land and boundary disputes would fall outside of planning legislation and therefore cannot be considered as part of this planning application.

Conclusions - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed revised development responds positively to The National Planning Policy Framework (2021) chapter 12; policies SP1, DM1, EN1, EN19, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, revised plans were subsequently submitted, (dated, 10/07/2024 and 19/07/2024) and the title description subsequently amended to reflect the latest sets of plans. The local planning authority had no other issues to raise with the agent but has attached appropriate conditions to the approval.

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:

- Location Plan and Site Plan with application site edged in red, drawing number A105, rev A, received by the City Council as the Local Planning Authority on 10 July 2024.
- Existing Floor Plans, drawing number A101, received by the City Council as the Local Planning Authority on 14 May 2024.
- Existing Elevations, drawing number A116, received by the City Council as the Local Planning Authority on 14 May 2024.
- PROPOSED 1ST FFL AND LOFT FLOOR GA PLAN, drawing number A100, received by the City Council as the Local Planning Authority on 19 July 2024.
- PROPOSED ELEVATIONS, drawing number A103, rev A, received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1 and DM1 of the Core Strategy (2012).

3) Notwithstanding the materials referred to and as annotated on the approved drawings and documents, no above ground development that is hereby approved shall commence unless and until samples and specifications of the external tile cladding to be used on the external elevations of the rear roof dormer have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the approved details.

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, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995); and policies SP1, DM1, EN1 of the Manchester Core Strategy Development Plan Document (2012).

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 development hereby approved other than those shown on:

- PROPOSED 1ST FFL AND LOFT FLOOR GA PLAN, drawing number A100; and PROPOSED ELEVATIONS, drawing number A103, rev A, both received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - In the interest of residential amenity, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

5) Before first occupation of the development thereby approved, the proposed dormer window along the rear elevation to serve the annotated "Ensuite" and as shown on: PROPOSED 1ST FFL AND LOFT FLOOR GA PLAN, drawing number A100; and PROPOSED ELEVATIONS, drawing number A103, rev A, both received by the City Council as the Local Planning Authority on 19 July 2024; shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - In the interest of privacy and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012), and policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995).

6) 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.

Appendix 1 – List of consultees & neighbours notified

93 Victoria Avenue East, Manchester, M9 6HE
91 Victoria Avenue East, Manchester, M9 6HE
92 Victoria Avenue East, Manchester, M9 6HF
90 Victoria Avenue East, Manchester, M9 6HF
88 Victoria Avenue East, Manchester, M9 6HF
95 Victoria Avenue East, Manchester, M9 6HE
87 Victoria Avenue East, Manchester, M9 6HE

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA