

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 139100/FH/2024

**Date registered valid:** 21 March 2024

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

**Address:** 6 Royle Street, Manchester, M14 6RN

**Ward(s):** Withington Ward

**Applicant:** James Henry Studentshack Limited

**Agent (if any):** Stephen Lamb Steve Lamb

**Case officer:** Robert Tyrer  
Tel: 0161 234 4068  
Email: robert.tyrer@manchester.gov.uk

**Recommendation:** Refuse

**Date of recommendation:** 29 August 2024

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 08 April 2024 and 01 August 2024

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

Printed: 8 May 2024      Expired: 30 May 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**

Application site relates to a two storey, end terraced dwellinghouse of a row of five dwellinghouses. The property has a two storey outrigger at the rear and a ground floor bay window at the front. The property benefits from both large front and rear gardens.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of area**

The application site is located within a predominately residential area.

## **Description of development**

The applicant is seeking planning permission to retain complete the dormer over rear facing roof slope after part demolition of existing dormer extension.

## **Consultations & Notification Responses**

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

**Local residents/public opinion** – Two representations were received objecting to the proposal as the landlord has ruined the local community by purchasing family homes and extending them into student accommodation. They do not consider the complete demolition is an excessive requirement and that the dormer should not have been constructed without planning permission.

Cllr Chris Wills – Objected together with Councillor Becky Chambers.

The councillor raised concerns with proposed development in that it will exacerbate issues of over-saturation and over-occupancy. This runs contrary to Core Policy H11. It will also exacerbate issues of litter and fly-tipping, as well as noise from house parties, which are a significant problem in this area.

The application should be refused, and that the applicant restores the property to the condition it was in before carrying out the works that resulted in the enforcement notice.

## **Issues**

### **Planning History**

Enforcement Notice: ENF/15574/23

Date: 25 October 2023

Time for Compliance: 6 months

APP/B4215/C/23/3333259

Enforcement Notice Appeal – Ground(s) (f) Section 174(2) of the 1990 Act

Start Date: 16/11/2023

Status: Withdrawn 29/01/2024

### **Local Policy**

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

DM1 – Development Management 1

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

### **National Policy**

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

### **The Principle**

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

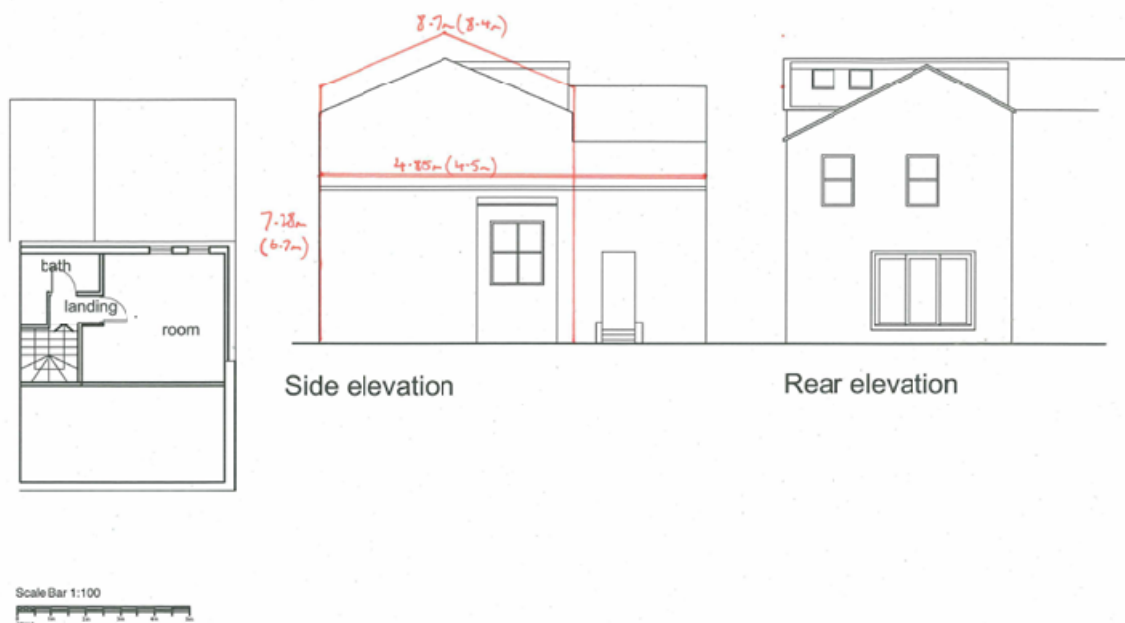
The principle of a dormer to a dwellinghouse is usually considered to be acceptable, dormers on the rear roof of dwellinghouse outside of conservation areas can be permitted under what are known as permitted development rights as set out in the Class B of the Town and Country (General Permitted Development)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

However, in this case the development as built would not meet the requirements and limitations set out in the GPDO, therefore the part retrospective proposal requires planning permission and shall be assessed in accordance with policies DM1 and SP1 of the Core Strategy, saved policy DC1 of the Manchester UDP and NPPF.

### **The Assessment**

During the assessment of the application a comparison between the proposed drawings and the site photographs raised concerns that the submitted drawings did not reflect the building on site. A further site visit was undertaken to measure the existing property and found it to be taller than what is shown on the submitted proposed drawings. Image 1 provides the measurements taken with a red outline indicate the difference between the actual building and what has been drawing.

As a result, the drawings cannot be relied upon as it is likely that if the application were approved, the dormer could not be built as per the drawings and would likely differ in appearance and size. It is therefore recommended that the application be refused based on these inaccuracies.



Notes >  
Do not scale from this drawing.

All dimensions to be checked on site prior to the commencement of works.

All work & drainage to be to the entire satisfaction of the local authority, statutory undertakings & in accordance with the current building regulations.

Any drains passing under building to be exposed & encased in 150mm conc.

All structural timber is to be stress graded

|                                           |                 |
|-------------------------------------------|-----------------|
| pha                                       |                 |
| ARCHITECTS                                |                 |
| Chartered Architects & Interior Designers |                 |
| 1 Cranleigh Avenue                        |                 |
| Stockport                                 |                 |
| SK4 3 PZ                                  |                 |
| Tel: 07581 051 056                        |                 |
| 6 ROYLE STREET                            |                 |
| MANCHESTER                                |                 |
| PROPOSED LAWFUL DEVELOPMENT               |                 |
| Client Name                               | 1:100 @ A3 2023 |
| Scale                                     | 1:100 @ A3 2023 |
| File No                                   | F03/JH/01       |

Image 1 Proposed Elevation including officers measurements taken on site (red).



Photographs 1 & 2 Side and Rear Elevation – Case Officer Photographs

**Other Matters** – The concerns regarding the issues of over saturation and over occupancy of HMOs. There is no evidence to suggest that the property is in use as HMO, as there are currently no registered HMOs under the same post code as the property, ([Public register - Manchester City Council](#)).

The introduction of an Article 4 Direction relation to the change from a dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) has meant that since October 2011 that planning permission is required for this change

There are no planning applications either current or historic at this address that has changed the use from a dwellinghouse (Class C3).

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **Human Rights Act 1998 considerations**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation:** Refuse

### **Article 35 Declaration**

The Local Planning Authority raised with the applicant concerns with the accuracy of the submitted drawings and how to amend them in order to make the development acceptable; no amended drawings have been forthcoming. Without these amendments the development would not reflect the dimensions of the existing building and therefore the proposed drawings could not be relied upon to build the proposed dormer. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The proposal as shown on drawings, F03-JH-04A, F03/JH/02 REV A and F03/JH/01 REV C are materially different and does not reflect the building on site; therefore the drawings cannot be relied upon. This is evident from the information available to the LPA in the form of case officers site measurements taken on 1st August 2024.

## **Appendix 1 – List of consultees & neighbours notified**

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

## **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  
Flood Zones Type 2 (low to medium risk) -  
Flood Zones Type 2 (low to medium risk) -  
Flood Zones Type 3 (high risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: SOUTH AREA