

Town & Country Planning Act 1990 (as amended)

Appeals against Refusal of Planning Permission for:

- A. Variation of condition 2 (specified plans) attached to planning permission 128296/FO/2020 (allowed under appeal decision referenced APP/B4215/W/21/3268075) to allow changes to internal layout and alterations to the dormer and**
- B. corresponding Enforcement Notice relating to the erection of a hip-to-gable roof extension and rear dormer.**

35 Goulden Road, Manchester M20 4ZE

Statement on behalf of Mrs C. Keaveney
by Stephen Lamb DipTP MRTPI

28th May 2024

1 Introduction

- 1.1 This statement responds to the refusal of planning permission for the retention of a dormer extension which is at variance with the approved plans, as well as to the corresponding enforcement notice requiring its removal or modification.
- 1.2 Permission to extend the property, which included a hip-to-gable and dormer extension was granted on appeal on 2nd June 2021 (ref:APP/B4215/W/21/3268075) see Appendix A.
- 1.3 The dormer extension was subsequently constructed with a variation to the approved plans and incorporated a side cheek wall flush with the house gable.
- 1.4 The application to regularise this variation (ref:139418/JO/2024) was refused on 9th May 2024 for the following reason:

The proposal due to its prominent location results in the creation of a second floor extension, which by virtue of its siting, form, scale, appearance and materiality, creates an over dominant and incongruous feature which is out of character with, and fails to contribute positively to, the local area. The proposal therefore has an unduly harmful impact on visual and residential amenity, which is contrary to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD and the National Planning Policy Framework.'

- 1.5 On 7th May 2024, the Council issued an enforcement notice alleging the following breach of control:

Without planning permission, the erection of a hip-to-gable roof extension and rear dormer.

- 1.6 The reasons for issuing the notice were given as follows:

It appears to the Council that the above breach of planning control occurred within the four years prior to 25 April 2024.

The Council considers that it is expedient to issue this notice because the unauthorised development, owing to its prominent location has resulted in the creation of a second-floor extension, which by virtue of its siting, form, scale, appearance and materiality, creates an over dominant and incongruous feature which is out of character with, and fails to contribute positively to, the local area.

The development therefore has an unduly harmful impact on visual and residential amenity, which is contrary to policies SP1, EN1 and DM1 of the Manchester Core Strategy, Policies JP-S1 of the Places for People Joint Development Plan saved policy DC1 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester SPD and the National Planning Policy Framework.

- 1.7 The requirements of the notice are as follows:

1. Demolish the hip-to-gable roof extension and rear dormer, and reinstate the roof and side elevation of the dwellinghouse to its condition before the breach took place, as labelled “existing front (sw facing) elevation”, “existing side (nw facing) elevation”, “existing rear (ne facing) elevation” and “existing indicative side (se facing) elevation” on the attached drawing reference number 2020-01-01.

OR

Make alterations to the hip-to-gable roof extension and rear dormer so that it accords in full with planning permission 128296/FO/2020 and as shown in the attached drawing reference number 2020-01-01.

2. Remove all building materials, rubble and waste arising from carrying out the above steps

- 1.8 Without this appeal, the notice would have taken effect on 6th June 224 and require compliance within 9 months of the notice taking effect.

- 1.9 The appeals against the refusal of permission and the enforcement notice relate exactly to the same issue, therefore the matters are dealt with contemporaneously within this statement.

2 Site and Surroundings

- 2.1 The appeal site is a two-storey semi-detached dwelling which is lawfully occupied as a small HMO (Class C4), located within a residential suburb of South Manchester.
- 2.2 The property has a side access drive, and is set back from the street by a hard-surfaced front garden providing off-road parking for up to three cars. To the rear is a generous garden over 20m in length, beyond which is the head of the cul-de-sac of Rutland Avenue.
- 2.3 The surrounding area is predominantly residential with a variety of property types, occupied as houses, flats and HMOs. Goulden Road is a mixture of private rented properties and owner occupancy. Many of the properties are large HMOs and small apartments/studios mainly occupied by young professionals & mature students.
- 2.4 On either side of the appeal site are dwellings of similar period and design, but the character of property in the area is more diverse, with those opposite and further west along Goulden Road being three-storey Edwardian terraces.
- 2.5 Apart from the appeal property, the properties at no 31, 37, 43 and 45 Goulden Road have all been extended with hip-to-gable alterations incorporating rear dormers of varying designs as shown below in sequence from east to west.



31 Goulden Road



35 Goulden Road



37 Goulden Road



43 Goulden Road



45 Goulden Road

- 2.6 In addition, to the rear of the appeal property, no 22 Rutland Avenue has been extended with hip-to-gable roof and rear dormer sited off the gable wall as shown below.

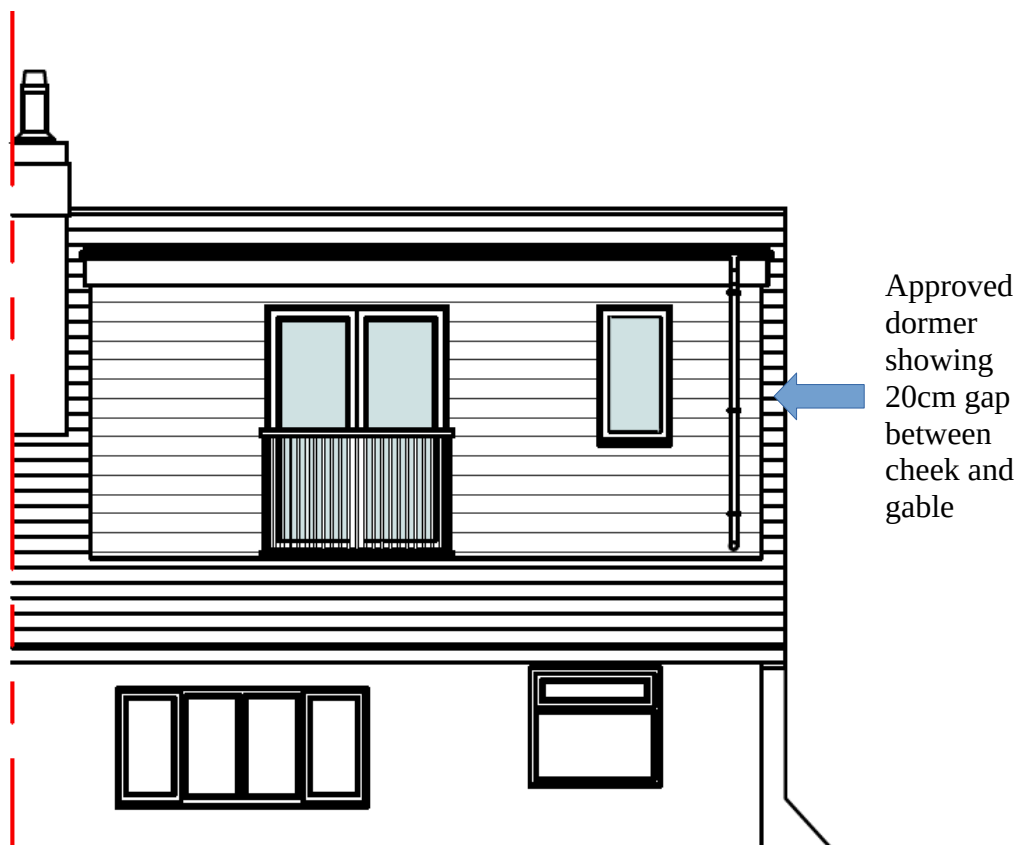


22 Rutland Avenue

- 2.7 From these images, it can be seen that the immediate surroundings to the property are characterised by properties which have been modified and extended in various forms, most notably with roof alterations involving hip-to-gable extensions with rear dormers.

Grounds of Appeal and the Case for the Development

- 2.8 The issue of contention in this appeal relates to the difference between the approved dormer extension and the one constructed. This difference referred to by the Council in its decision and enforcement notice, is the presence of a small inset of the cheek wall of the dormer from the alignment of the extended end gable wall. This inset is shown below on the approved plans as being approximately 20cm.



- 2.9 As background, hip-to-gable roof extensions and rear dormers are permitted by virtue of Schedule 2, Part 1 Class B of The Town and Country Planning (General Permitted Development)(England) Order 2015 (GDPO). The legislation sets out the limitations which apply, including the volume, location and detailing.
- 2.10 The basis on which the development under appeal would require permission when assessed against the GPDO is because it incorporates a balcony and the combined volume of the two roof extensions exceed 50 cu metres. In other respects the dormer meets all the requirements, including being set 20cm back from the eaves (lower edge of the roof, as opposed to the gable verge) and is constructed of similar materials to the property.
- 2.11 The permitted development legislation therefore specifically sanctions the the principle of this type of hip-to-gable and rear dormer development, with no requirement to inset the dormer away from the newly created gable roof verge.

- 2.12 The Council has previously accepted that a similar combined hip-to-gable and rear dormer extension is permitted as evidenced for example by the issuing a Lawful Development Certificate for this form of development at 60 Tanfield Road, Manchester M20 5GF. The details of the sanctioned development are shown below:



1 Front



2 Rear



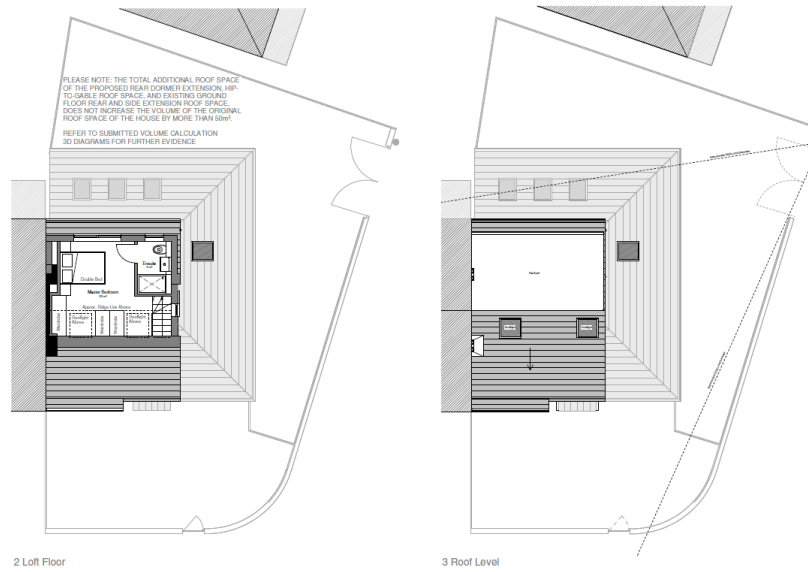
3 Side

PLEASE NOTE: THE TOTAL ADDITIONAL ROOF SPACE OF THE PROPOSED REAR DORMER EXTENSION, HIP-TO-GABLE ROOF SPACE, AND EXISTING GROUND FLOOR REAR AND SIDE EXTENSION ROOF SPACE, DOES NOT INCREASE THE VOLUME OF THE ORIGINAL ROOF SPACE OF THE HOUSE BY MORE THAN 50m³.
REFER TO SUBMITTED VOLUME CALCULATION 3D DIAGRAMS FOR FURTHER EVIDENCE



4 Party Wall

Proposed Elevations

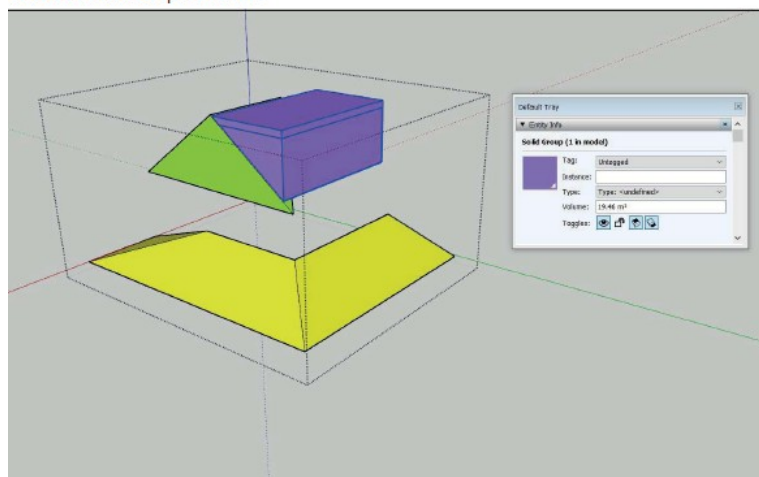


Proposed Plans

Site Boundary - - - - -



total Additional Roof Space Volume



Rear Dormer Extension Roof Space Volume Calculation

**Town and Country Planning Act 1990 (as amended) (Section 192)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)**

Grant of Certificate of Lawful Use or Development

Applicant

Ms Tumbri
60 Tanfield Road
Manchester
M20 5GF

Agent

Tom Attewell
Tom Attewell Architects
Bank Chambers
15 Market Place
Stockport
SK1 1EW

Date of Application

8 December 2023

Application No.

138785/LP/2023

First Schedule

Enlargement of dwellinghouse with the installation of a rear dormer and hip to gable roof alteration.

Second Schedule

60 Tanfield Road
Manchester
M20 5GF

Manchester City Council hereby certify that on 8 December 2023 the use/operations described in the First Schedule in respect of the land specified in the Second Schedule and more particularly identified on the plan attached to this certificate edged in red, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1) Grant on the basis that the proposed rear dormer and hip to gable roof alteration as shown on drawings 3-200, 3-201 and 3-210 Revision A does constitute permitted development as it would meet the requirements of Part 1, Schedule 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Date: 2 February 2024

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

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

- 2.13 There is no material difference between the design of the above development and the appeal extension.
- 2.14 The officer's report (Appendix B) on the refused application reads as follows:

"Normally, hip-to-gable roofs are allowed on residential properties subject to appropriate design and layout. The current application seeks to vary the previous planning condition to allow the dormer to be built in line with the gable wall of the property. Following the officers site visit, it is clear that the roof changes are now read as a second floor roof extension. It is the case that hip-to-gable roofs with dormers set in from the gable wall are likely to be acceptable, however, National Planning Policy Framework sets out a clear design vision and expectations so that applicants have a (sic) much certainty

as possible about what is likely to be considered acceptable. The City Council believe that the current changes conflict with design policies which do not reflect local aspirations or sustainable development.

Whilst the rear view of the dormer would remain somewhat similar in appearance to that of a hip-to-gable roof with rear dormer, the brick form of the side gable wall extending upwards would provide an appearance of a second floor extension which is out of character with the host dwelling and other properties in the area.”

- 2.15 Contrary to the officer’s assertion, there is no policy basis which establishes a preference for an in-set dormer. The most relevant guidance is provided by the limitations on permitted development rights set out in the GPDO which allows this type of development.
- 2.16 The reference to the development being a “second floor roof extension”, is a clear miss-characterisation, intended to denigrate a form of roof extension which is sanctioned by National legislation. By inference this form of design is clearly acceptable in the face of which the officer is applying an unsubstantiated and highly subjective opinion.
- 2.17 The Council goes on to assert that the design of the extension is incongruous. In response; there is nothing more incongruous about a roof extension with a logical form which incorporates the cheek wall being built off the structural side wall of the house, compared to one that is inset and supported off the roof. In fact the more logical and congruent structure is one which utilises the supporting side wall.
- 2.18 The Council goes on to assert that the development is out-of-keeping with the surroundings. The surrounding properties within the area are diverse in design, as are the roof extensions of those properties shown above which display similar characteristics to the appeal property. The adjoining house at no.37 has an almost identical form of roof extension to the appeal development. Far from being out of keeping, the appeal development is reflective of a diverse pattern of surrounding property and extensions.
- 2.19 Perhaps most importantly, the Council claims that the development is an over-dominant feature, which is harmful to the area. This assessment lacks proportion, given that the difference between the approved dormer and the one in situ, is a gap of 20cm on the edge of the rear slope of the roof. The height of the dormer is no different from the one approved and when viewed within the street scene the silhouette of the existing and approved designs is almost identical. When viewed in context of the street scene the impact is almost imperceptible as shown by the following image.



Street scene of Goulden Road looking east

- 2.20 The question of the impact of the hip-to-gable and dormer extension on the character and appearance of the area was considered by the Inspector in the previous appeal decision (Appendix A) and the following is an extract of the decision letter.

The appeal dwelling is primarily read in context with the pairs of similarly designed semi-detached properties along Goulden Road, many of which have undergone roof alterations. For this reason, and due to the presence of terraced properties opposite, the character of the street scene is varied.

The Council has not explicitly detailed its concerns with the design of the proposal. The proposed hip to gable extension would be readily apparent from the public realm, however it would be in keeping with other semi-detached dwellings in the locality and the similar roof extension at the attached property. As such there would be good symmetry in the host pair. The proposal would also respect the characteristics of the host dwelling and there would remain good spacing between it and No 33 Goulden Road. The proposed single storey and dormer extension would be positioned to the rear and would be subservient additions.

Therefore, this proposal would not result in harm to the character and appearance of the host dwelling or the wider area. It would comply with

policies DM1 and EN1 of the CS and policy DC1 of The Unitary Development Plan for the City of Manchester (1995) which collectively seek to ensure that proposals have regard to and reinforce the general character of the property and the surrounding area.

- 2.21 This assessment is an important consideration which is very different to that of the Council. The currently proposed changes to the approved dormer are very minor and the Inspector's assessment supports the appellant's claim that the development is not materially impactful on the character and appearance of the area.

3 Conclusion

- 3.1 The Council's assessment of the impact of the dormer extension is contested and it is respectfully requested that the enforcement notice is quashed and permission is granted for the variation of the previously allowed development.

Appendices

Appendix A

Permission to extend 35 Goulden Road, which included a hip-to-gable and dormer extension, granted on appeal on 2nd June 2021 ref:APP/B4215/W/21/3268075)

Appendix B

Officer's report on the refused application subject to this appeal