

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139418/JO/2024

Date registered valid: 14 March 2024

Proposal: 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

Address: 35 Goulden Road, Manchester, M20 4ZE

Ward(s): Old Moat Ward

Applicant: Mrs C Keaveney

Agent (if any): Stephen Lamb

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: **REFUSE**

Date of recommendation: 9th May 2024



Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 23 April 2024

Standard consultations:

Printed: 22 March 2024 Expired: 14 April 2024

Neighbour notifications

Printed: 22 March 2024 Expired: 14 April 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 semi-detached property is in an established residential area which is predominantly characterised by family dwelling houses, many with original boundary treatments. The application site benefits from a rear garden, together with a driveway and hardstanding to the front. The property has projecting bays to the front elevation.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is primarily a residential area in character

Description of development

Consultations & Notification Responses

Local residents, as per Appendix 1 – Occupiers of properties surrounding the application site were notified of the proposal. One letter of objection has been received in respect of this application, summary of comments as follows:

- Reiterate from previous applications our concerns over this planning application.
- Understand that the council are not opposed to residents extending their homes. Are supportive of many neighbours doing so, including the house at the bottom of our garden. However, the property investment company that own the house have no intention of extending a family home but instead of maximising profit at the expense of the neighbours. The four bedroom house they own on the same road, which is currently rented as an 8 bedroom HMO is a case in point.
- Obvious from the layout that the intended use was to increase from the room sizes. After discussions with the builder onsite, proudly pointed out that they had managed to drop the top floor ceiling down, expanding the dormer out the back, managing to fit another bedroom in. He stated that this made it a 7 bedroom house.
- It is abundantly clear that this commercial operation wishes to do no more than capitalise on their asset and their expenditure here must pay off in order to repay the year void period and expense of the works. The reworked layout, suggesting that the property will have the ground floor bedroom converted back in to a dining room is cynical at best. Any view of their website or reference to the original layout will tell you that they had no regard for communal space, just maximising bedrooms and profit.
- Note the property licence as a small HMO will allow up to 6 bedrooms. Fully expect a change of use to large HMO application to be forthcoming in July when it is up for renewal.
- If the property were not being used in this manner and was instead being used for a regular home, without the impending increase in use, would be less likely to object to this.
- Certain that the property will be used by at least 6 people, due to the larger communal areas will be much more likely to have partners staying over and be less likely to have student residents. This will increase the number of cars used on an already overly used road.
- Understand the reasons for the overturning of the decision last time. In expectation of the impending changes to use next door, the increased noise, comings and goings etc. will find themselves in the position of having to look at moving home. Feel the planning rules/system does not support families.

West Didsbury Residents Association – no comments received as a result of this proposal.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management

- o The National Planning Policy Framework (NPPF)

Places for Everyone

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February). There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

The City Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

History

Previous applications relating to this property as follows:

Planning reference: 139418/JO/2024 - for the erection of a single storey rear extension, hip to gable roof with rear dormer together with Juliet balcony and the insertion of two roof lights to the front elevation to provide additional living accommodation. This application was refused on 09.12.2020 and allowed on appeal on 2nd June 2021.

Residential amenity

The applicant is seeking planning permission for the 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. Concerns have been raised by a local resident with regards to the use of the property as a HMO and the potential increase in occupancy, the layout of the rooms, noise, comings and goings and increase in cars. The City Council shares those concern however, issues surrounding the property use as a HMO was considered as part of the appeal process and therefore consideration is being carried out in relation to the increase in dormer and its impact upon the residential and visual appearance as a result of the changes applied for.

The property in question is a semi detached dwelling house in use as a HMO. The previous application was allowed under appeal for a hip to gable roof, rear dormer and single storey rear extension. Refusal by the City Council was in relation to the intensification of the use of the property due to the expectation of an additional bedroom being provided. 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 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.

It is acknowledged that the adjoining semi detached property received planning approval as a single residential dwelling for a hip to gable extension and rear dormer. The occupiers of this address built a second floor extension which did not comply with what was previously approved. However, due to time constraints, enforcement action could not be taken. Notwithstanding this, the City Council would not use the adjoining property as precedent and believes that the initial decision for hip to gable with rear dormer as approved through the appeal process should be upheld.

Development which is not well designed should not serve to be a precedent for future development. Goulden Road predominantly features semi-detached and large terraces. Roof types in this area vary from hipped and gabled roofs. Whilst there are several properties which have undergone hip to gable roofs with rear dormers, the predominant style of dormers are suitably set in from the wall of the gable providing a clear break of the roof and the addition of the dormer retaining the dominant characteristic of the host dwelling and the street scape.

The new roof elements when taken together, result in an entirely unacceptable composition which fails to have regard to the original character of this property and represents poor design. The roof changes as viewed from the street form an overly dominant and incongruous addition.

Overall, the works have destroyed elements of the building that were important to its character. The alterations are out of keeping and result in harm to the character and appearance of the area. The development therefore is contrary to policy DM1 of the Manchester Core Strategy (2012) as works are not of an appropriate form, mass and detailing. The roof changes are considered to be entirely at odds with the design aspirations of the National Planning Policy Framework.

Siting, scale and massing

The size and footprint of the proposed extension is believed to provide a detrimental impact upon the residential amenities of the adjoining property and is therefore considered that the proposal would be out of character with the existing and surrounding properties in the area. The proposal not satisfactory and is considered not to accord with the principles policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure.

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

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

Officers have worked with the applicant / agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) 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.'

Appendix 1 – List of consultees & neighbours notified

West Didsbury Residents Association

Flat 2, 42 Goulden Road, Manchester, M20 4ZF
Flat 1, 42 Goulden Road, Manchester, M20 4ZF
Flat 5, 42 Goulden Road, Manchester, M20 4ZF
Flat 4, 42 Goulden Road, Manchester, M20 4ZF
Flat 3, 42 Goulden Road, Manchester, M20 4ZF
Flat 5, 40 Goulden Road, Manchester, M20 4ZF
Flat 2, 40 Goulden Road, Manchester, M20 4ZF
Flat 1, 38 Goulden Road, Manchester, M20 4ZF
34 Goulden Road, Manchester, M20 4ZF
39 Goulden Road, Manchester, M20 4ZE
33 Goulden Road, Manchester, M20 4ZE
22 Rutland Avenue, Manchester, M20 1JD
Flat 2, 32 Goulden Road, Manchester, M20 4ZF
Flat 1, 32 Goulden Road, Manchester, M20 4ZF
Flat 3, 32 Goulden Road, Manchester, M20 4ZF
Flat 4, 38 Goulden Road, Manchester, M20 4ZF
Flat 3, 38 Goulden Road, Manchester, M20 4ZF
Flat 4, 40 Goulden Road, Manchester, M20 4ZF
Flat 3, 40 Goulden Road, Manchester, M20 4ZF
Flat 1, 40 Goulden Road, Manchester, M20 4ZF
31 Goulden Road, Manchester, M20 4ZE
37 Goulden Road, Manchester, M20 4ZE
Flat 2, 38 Goulden Road, Manchester, M20 4ZF
36 Goulden Road, Manchester, M20 4ZF
25 Rutland Avenue, Manchester, M20 1JD

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA