

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138753/FH/2023
Date registered valid: 19 December 2023
Proposal: Installation of rear dormer to provide additional living accommodation
Address: 94 Whalley Road, Manchester, M16 8AH
Ward(s): Whalley Range Ward

Applicant: Ms Kim May
Agent (if any):
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: **13.02.2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 January 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 31 January 2024 Expired: 7 February 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 site relates to 94 Whalley Road within the Whalley Range ward of south Manchester. The application property is a two storey, semi-detached, faux stone clad property with two large white bay windows with within the front elevation. The same bay windows are also reflected within the rear elevation of the property. Amenity space to the front of the property consists of a garden area and a driveway runs from the front of the property to the side and amenity space to the rear of the property consists of a small grassed area.

Planning history

No planning history exists for this site

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The dwellinghouse is located within a predominantly residential area, and lies to the north of the Whalley Range Conservation Area. A large three storey apartment development lies to the north east, with properties of similar size and style to the property in the vicinity of the site.

Description of development

Consent is sought for a rear dormer extension to facilitate the use of the roof space for including two bedrooms and a bathroom. The proposed dormer be 2.53 m in height and 10.52m in length. The dormer would incorporate two high level windows (one of which would be obscurely glazed to serve the bathroom), and a larger window at the northern end of the proposed dormer on the rear elevation.

Materials to be used throughout the proposal would match that of the host property.

Consultations & Notification Responses

Local residents – A resident originally requested plans be emailed to them as they couldn't download them to their phone and they could not see the size of the dormer and any impacts to their property view /sunlight etc

Then subsequently raised concerns about the proposed development and the impact on sunlight in their garden and kitchen. They advised that they not objecting fully, but felt they needed more information on the impact on gardens of properties on Sylvan Avenue and the flats in Yeomanry Court. They advised that further surveys could show the impact more specifically. They state their property is a very lovely old house and they will have a direct view of the proposed development, so are worried the dormer will change the view to a modern extension as opposed the lovely house it currently is. They advise more information on the impact would be needed before they could support the scheme as they feel that the plans are unclear.

A further resident queries whether the works proposed would necessitate notice being given under the part wall act, as they have not been contacted by the applicant and no notice has been served, and it appear that the scheme would require works to the roof of the adjacent property (e.g. for flashing). They query whether the dormer would extend to the middle of the party wall, and if so, how the dormer cheek would be maintained. They advise that ladder access from the rear of the adjacent property is not possible, as the area is covered.

Furthermore, they suggest that the heights on the plans look to be incorrect, citing the bay roof at the adjacent property is 6.05m above ground level, so the roof level is ~6.30m - 1 metre higher than on the plans. They also seek clarification in relation to the velux windows on the front elevation which appear to be half height but are described as floor to ceiling, and the middle and top windows are drawn as high level on the rear elevation , but are described as floor to ceiling.

In winter, the dormer will cast a larger shadow and the shadow will last longer on the windows on the side of Yeomanry Court. In spring and autumn, the dormer will cast a larger shadow and the shadow will last longer on the rear and kitchen extension windows at 19 Sylvan Avenue. The shadow cast at about 9:30 am (when the sun is in line with the house) will move towards 19 Sylvan Avenue by about 4m (the depth of the dormer).

Policy

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):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building.

The Manchester Core Strategy Development Plan Document 2012-2027

The Core Strategy was adopted by the City Council on 11th July 2012, and is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;

- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. 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 original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABE as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

Issues

Principle

The submitted development application is for the installation of rear dormer. This is considered acceptable in principle as many people prefer to alter and 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.

Visual /Residential Amenity

The dormer may create some overlooking implications to the neighbouring properties, including those properties along Sylvan Avenue, although these are not expected to be significant, on the basis that two high level windows are proposed (one of which would be obscurely glazed) in the rear elevation of the proposed dormer, and the proposed larger window would be at the northern end of the dormer away from the adjacent dwellinghouse and the rear elevations of the properties on Sylvan Avenue. Furthermore, any windows within the dormer would be no closer to the rear boundary than the existing windows serving habitable rooms at first floor level within the property.

There would be no significant overshadowing implications as a result of the proposal, since the ridge height of the dormer is no higher than the existing, and the dormer does not project further than the roof plane, and sited to the northeast of the adjacent dwellinghouse. Any potential overshadowing of dwellings on Sylvan Avenue and Whalley Road would not be significant to warrant refusal of the proposed development.

The proposal is considered to be an acceptable addition to the roof of the property. The size, positioning and footprint of the proposed dormer is on balance to be acceptable and is not considered to give rise to an incongruous feature. The dormer is screened from the street scene. As such, it is not believed to impact the visual amenity of the area.

Overall, it is not considered that the proposal would have an adverse impact upon visual or residential amenity.

Design and Appearance

The design of the dormer has been designed to take account of the shape of the existing property/plot and respects the relationship with the neighbouring property. The design of the proposal would be in keeping with the existing and surrounding properties in the area. The proposed materials would match the existing roof. The proposed dormer would be sited and designed to ensure that it is subservient to the original dwellinghouse and is not excessively large or bulky. This is pursuant to Policy DC1 within the UDP. Therefore, the siting and form is considered acceptable. It is to be reminded that dormer extensions such as this may be achievable through the route of Permitted Development. Due to the reasons stated above, there are no significant impacts associated in terms of residential or visual amenity.

Comments by residents,

The eaves to the existing roof as shown on the submitted cross section as being 6.35m above ground level at the rear of the property. It is however, noted that on the existing front elevations plan that the roof slope continues slightly further over the existing bay than the adjacent dwelling house, and this detail has been reproduced on the proposed front elevation.

The proposed rear dormer has been inset 300mm from the centre line of the chimney and will therefore be inset from the roof of the neighbouring property.

The proposed velux windows are shown to be flush on the submitted side elevations, and will be sloping in nature, as such the reference 'floor to ceiling' in respect of these windows will reflect the location of the window when viewed from inside the roof accommodation.

In regard to overshadowing, whilst sun path and overshadowing assessments are routinely undertaken in regard to large scale developments, incorporating tall buildings, it is considered

onerous to require such a study in relation to a rear dormer roof extension, particularly given its orientation and scale.

Other issues which have been raised are civil matters.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance are in keeping with the character of the property and local area.

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: Approve

Article 35 Declaration

It is considered that sufficient information was submitted to allow the assessment and determination of the planning application. The application has been determined in a timely manner and in accordance with the guidance contained within saved policies DC1 of the Manchester Unitary Development Plan and to policies SP1, EN1, and DM1 of the Core Strategy and the National Planning Policy Framework.

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 Existing Site Plan received 5th December 2023;
Proposed second floor plan ref: 121 0086_94 Whalley Road
Proposed rear elevation plan ref : 206 0086_94 Whalley Road
Proposed front elevation plan ref : 207 0086_94 Whalley Road
Proposed side elevation -west plan ref : 0221 0086_94 Whalley Road
Proposed side elevation- east plan ref : 012 0086_94 Whalley Road

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) The materials used to construct the external elevations of the dormer extension hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of hanging and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy (2012).

4) Before first occupation, the bathroom window in the rear elevation of the rear dormer extension hereby approved, 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 - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

19 Sylvan Avenue, Manchester, M16 8AN
St Luke's Centre, Whalley Road, Manchester, M16 8BT
35 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
33 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
30 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
28 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
25 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
15 Sylvan Avenue, Manchester, M16 8AN
36 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
34 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
32 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
31 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
29 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
27 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ

26 Yeomanry Court, 90 Whalley Road, Manchester, M16 8AZ
17 Sylvan Avenue, Manchester, M16 8AN
13 Sylvan Avenue, Manchester, M16 8AN
96 Whalley Road, Manchester, M16 8AH
77 Whalley Road, Manchester, M16 8BT
75 Whalley Road, Manchester, M16 8BT

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) -
Area Team Boundary - Name: SOUTH AREA