

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137374/FH/2023

Date registered valid: 21 July 2023

Proposal: Part retrospective application for the erection of a hipped roof and dormer window at side, a dormer to the rear, reduction in ridge height and a front porch

Address: 33 Stanley Road, Manchester, M16 8HS

Ward(s): Whalley Range Ward

Applicant: Mrs Khalida Khan

Agent (if any): Mr Saghir Hussain Create It Studio Architects

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

Recommendation: Approve

Date of recommendation: 13 September 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 September 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 17 August 2023 Expired: 7 September 2023

Site notice

Posted: 17 August 2023 Expired: 7 September 2023

Press advert

Published: 22 August 2023 Expired: 5 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a two storey semi-detached dwellinghouse. The property has is brick built and has been re-roofed with a concrete grey tiled roof. The property benefits from a larger garden at the area.

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable, although trees are protected by the reason that the property is located within a designated conservation area.

Description of area

Whalley Range Conservation Area is an area that is predominantly residential, is contained within 63 acres of flat land purchased for building in 1832 by a prominent banker, Samuel Brooks, for a sum of £9,600.

The conservation area was designated in October 1991, with boundaries drawn to include some later housing, extending to Alexandra Road to the east and Upper Chorlton Road to the west.

Description of development

The applicant is seeking planning permission to erect a of a hipped roof and dormer window at side, a dormer to the rear, reduction in ridge height and a front porch.

Consultations & Notification Responses

Notification letters were sent to those listed in appendix 1, in addition a press advert and a site notice.

Public Opinion/Neighbour – One representation was received raising concerns that the dormer and roof alteration as built has unbalanced a pair of semi-detached properties that has a detrimental impact on the character of the designated conservation area. The representation also raised that an enforcement notice to return the dormer and roof back to its original state has not been complied with.

Issues

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:

SP1 – Spatial Principles
DM1 – Development Management 1
EN3 - Heritage

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions
DC18.1 – Conservation Areas

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF)

Planning History

Application Reference: 120119/FH/2018

Proposal: Retention of hip to gable roof conversion and installation of rear roof extension with Juliet balcony, to form additional accommodation

Decision: Refused - 25.07.2018

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.

Matters that will require consideration, in order to assess the acceptability of any proposal are siting, scale and massing, design and appearance.

Further consideration will be given as to whether the proposal has any impact on surrounding residential amenity in particular the effect upon the amenity of neighbouring occupiers.

The site is also located within Whalley Range Conservation area and therefore consideration should be given to the proposal impact upon heritage and the conservation area.

Design, Scale, Appearance and Impact on Residential Amenity – At present the rear dormer and hip to gable roof alterations and front porch have resulted in incongruous and overbearing features that are detrimental to character and appearance of the surrounding area and the street scene which fail to enhance or preserve the conservation area.

The applicant has now submitted an application to address the unauthorised development whereby the rear dormer and hip to gable will be removed and replaced with two smaller dormers, one at the rear and one at the side, the raised roof height will also be lowered to that of the adjoining property and thus address the fact that the properties look unbalanced which has a negative impact on the character of the street scene and conservation area.

At the front, the porch will also be reduced in height and size and if approved would be better proportioned in term of its size to the dwellinghouse.

The side dormer window is also shown as being obscurely glazed, to ensure there is no overlooking it is recommended that this is conditioned to protect the residential amenity of the neighbouring properties.

Taking into consideration the position, design and scale of the proposed changes to the roof (lowering in height, one rear dormer and one side dormer) and front porch their relationship with neighbouring properties, it is not considered that there would be any significant impact in terms of over-dominance, overshadowing or overlooking.

The changes have been designed to complement the existing dwellinghouse with materials shown to be matching brickwork and tiles. There are no concerns with the design or appearance, it is recommended that materials are dealt with by means of a planning condition in the interests of the visual amenity of the conservation area.

Therefore, the proposal in terms of siting, scale and massing accords with policies with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP

Impact on Conservation Area - The property is located within Whalley Conservation Area as such consideration must be given to the NPPF, policy EN3 and extant policy DC18.1 seeks to preserve the historic environment and conservation areas.

Both policy EN3 and extant policy DC18 state that new proposals should preserve or enhance the conservation area. Furthermore, the NPPF requires that new development should protect and enhance the historic environment. Pursuing sustainable development involves seeking improvements in the quality of the historic environment, replacing poor design with better design that makes a positive contribution to local character and distinctiveness.

The design is considered to be in keeping with the original property, with two smaller dormers, lower roof height and a smaller front porch that are better proportioned to the property.

It is considered that in this case the design of the dormers and porch together with the appropriate choice of materials the proposal would have a less than significant harm on the conservation area. The public benefit would be the refurbishment and retention of a family dwellinghouse.

Therefore, the proposal is in accordance with the NPPF, saved policies DC1, DC18.1 and policies, SP1, DM1 and EN3 of the Core Strategy.

Car Parking – No impact on current arrangements.

Waste Management - No impact on current arrangements.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 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:

A1496(02)AP001 Revision P2

A1496(02)AP002 Revision P4

A1496(02)AP003 Revision P4

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The window in the dormer to the east elevation shall be obscure 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 residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

4) No development shall commence until samples and specifications of all external materials to be used in the construction of the development, have been submitted to and approved in writing by the City Council as local planning authority. The development shall then be carried out in accordance with the approved details and those materials shall be retained in perpetuity.

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 conservation area within which the site is located, as specified in policies SP1, EN3 and DM1 of the Core Strategy and saved policy DC18 of the UDP.

Appendix 1 – List of consultees & neighbours notified

Flat 2, 40 Stanley Road, Manchester, M16 8HS
Flat 3, 40 Stanley Road, Manchester, M16 8HS
Flat 4, 40 Stanley Road, Manchester, M16 8HS
Flat 6, 40 Stanley Road, Manchester, M16 8HS
Flat 7, 40 Stanley Road, Manchester, M16 8HS
Flat 8, 40 Stanley Road, Manchester, M16 8HS
Flat 9, 40 Stanley Road, Manchester, M16 8HS
Flat 10, 40 Stanley Road, Manchester, M16 8HS
Flat 11, 40 Stanley Road, Manchester, M16 8HS
Flat 1, 40 Stanley Road, Manchester, M16 8HS
35 Stanley Road, Manchester, M16 8HS
31 Stanley Road, Manchester, M16 8HS
Flat 24, 38 Stanley Road, Manchester, M16 8HS
Flat 23, 38 Stanley Road, Manchester, M16 8HS
Flat 22, 38 Stanley Road, Manchester, M16 8HS
Flat 21, 38 Stanley Road, Manchester, M16 8HS
1 Demesne Road, Manchester, M16 8HG
Flat 20, 38 Stanley Road, Manchester, M16 8HS
Flat 19, 38 Stanley Road, Manchester, M16 8HS
Flat 18, 38 Stanley Road, Manchester, M16 8HS
Flat 17, 38 Stanley Road, Manchester, M16 8HS
Flat 16, 38 Stanley Road, Manchester, M16 8HS
Flat 15, 38 Stanley Road, Manchester, M16 8HS
Flat 14, 38 Stanley Road, Manchester, M16 8HS
Flat 13, 38 Stanley Road, Manchester, M16 8HS
Flat 12, 40 Stanley Road, Manchester, M16 8HS
Flat 5, 40 Stanley Road, Manchester, M16 8HS
1B Demesne Road, Manchester, M16 8HG

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
Conservation Area - Whalley Range Conservation Area 1992
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA