

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136740/FH/2023
Date registered valid: 13 April 2023
Proposal: The creation of a rear dormer
Address: 1 Deeping Avenue, Manchester, M16 8GB
Ward(s): Whalley Range Ward

Applicant: Ms Anna Dick
Agent (if any): Mr Aiden Phillips-Whalley, James Campbell Associates Ltd
Case officer: Janine Renshaw-Livesey
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Recommendation: Approve
Date of recommendation: 18 September 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 6 June 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 6 September 2023

Expired: 20 September 2023

Site notice

Posted: Expired:

Press advert

Published: 2 May 2023

Expired: 23 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order:

The property is situated within a row of similar type properties bound by Russell Road and Deeping Avenue. The estate is made up from predominantly residential properties including residential flats to the south. The property lies within the Whalley Range Conservation Area.

Background

A previous application was submitted for a rear dormer. However, after visiting the site it was evident that the dormer had already been erected. The existing dormer in situ was considered to be overlarge and the fenestration comprising of large windows along with the dormer were not acceptable in terms of visual appearance.

The applicant was advised that the structure in its current form would be refused and an overall reduction in size would be required to improve the visual appearance and an alternative scheme was invited. Therefore, the application referenced 132788/FH/2022 was withdrawn and a new application was submitted 133707/FH/2022 and approved.

The size of the window of the dormer approved under ref; 133707 were not built in accordance with the approved drawings and the current application submitted, incorporates a smaller window.

Description of development

The application relates to the installation of a rear dormer roof extension, with materials to match the existing roof. The proposed dormer would be set in from the edges of the roof and would be set below the ridge of the roof

Consultations & Notification Responses

The proposal was advertised in the local press and a site notice was erected close to the site stating the proposals lies within the Whalley Range Conservation Area. No representations were received.

The occupiers of the surrounding properties were consulted and no representations were received.

Issues

Section 72 of the Listed Building Act - Provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied.

The Framework has been related to the proposed development, with particular emphasis given to the following:

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Chapter 16: Conserving and enhancing the historic environment - Paragraphs 189 through 208 relate to Conserving and Enhancing the Historic Environment.

Paragraph 189 states these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 refers to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 190 and 191 says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 201 states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

It is acknowledged within the NPPF which is set out above, that when development needs to take place within areas of special control such as conservation areas, it needs to be ensured that the development makes positive contribution to conserve heritage assets and in turn can make a positive contribution to sustainable communities including their economic vitality. The impact of the development to extend a dwelling house has been considered with due regards to Paragraphs 197 and 199 to 204. Paragraph 197 refers to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.. In this case, it is considered that the development suitably reflects the composition of the existing house to thereby maintain its relationship to the surrounding conservation area. It is therefore considered that the proposed extension would allow the occupier to extend their home without causing significant harm to the character of the dwellinghouse or the conservation area.

Therefore the development would lead to less than substantial harm to the local character and distinctiveness of the property and the conservation area which would accords with the aspirations set out in section 16 of the NPPF.

Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126). Paragraph 130 further states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area over the lifetime of the development.
- b) Are visually attractive as a result of good architecture, layout and landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed development has been appropriately related to the existing house and neighbouring housing. It is not considered that the development would impact upon neighbouring houses due to their juxtaposition and arrangement of space between them. It is considered that the quality of design has been appropriately related to the existing house and conservation area to thereby accord with chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read

in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG:

- i. Consultation and pre-decision- good quality design is considered to be an integral part of sustainable development; iii. Health and well-being.
- ii. In this case, appropriate neighbour and statutory consultation had been undertaken. The design is satisfactorily related to the original house. The proposed extension would not unduly harm residential amenity.

Unitary Development Plan

Saved Policy 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 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.

DC1.3 Notwithstanding the generality of the above policies, the council will not normally

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

Saved policy DC18.1 relates to conservation areas and states that the council will give particularly careful consideration to development proposals within Conservation Areas.

- a) the council will seek to preserve and enhance the character of its designated Conservation Areas by carefully considering the following issues:

- I) the relationship of new structures to neighbouring buildings and spaces
- II) the effect of major changes to the appearance of existing buildings
- III) the desirability of retaining existing features such as boundary walls, gardens, trees (including street trees)
- IV) the effect of signs and advertisements
- V) any further guidance on specific areas which has been approved by the council
- b) the council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a Conservation Area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, of where its removal or replacement would benefit the appearance of character of the area
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where

there are approved detailed plans for that redevelopment and where the council has been furnished

with evidence that the development will be undertaken

e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1- identifies 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 including: -

- 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 or income.

- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1- 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: -

Appropriate siting, layout, scale, form, massing, materials and detail.

- 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.

- 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.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

- Community safety and crime prevention.

- Design for health.

- Adequacy of internal accommodation and external amenity space.

- Refuse storage and collection.

- Vehicular access and car parking.

- Effects relating to biodiversity, landscape, archaeological or built heritage.

- Green Infrastructure including open space, both public and private.

- Flood risk and drainage.

- Existing or proposed hazardous installations.

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 listed above and have regard to the strategic character area in which the development is located. Policy EN1 has been related to the assessment of the quality

of the elevational design and its contribution to the built environment and relationship to Whalley Range Conservation Area. In this case, it is considered that the quality of respond positively to the existing built form and achieves a design response that relates to the character and proportions of the host building. The development would thereby accords with policy EN1.

Policy EN3 (Heritage)- relates to heritage and states that, throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those in the City Centre. New development must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled monuments, listed buildings registered parks and gardens, conservation area and archaeological remains.

Policy EN3 is relevant to the consideration of the proposed development its location within the Whalley Range Conservation Area. In such circumstances, policy EN3 requires that new development is designed to enhance the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance. Policy EN3 has been related to the relationship of the proposed extension and alterations building, including its height, proportions and siting, to Whalley Range Conservation Area. It is considered that the development would result in a modest extension with design features, including the composition of the extension would contribute positively to the surrounding context.

Issues

Principle

The development will facilitate the adaptation of the dwellinghouse to meet the householder's needs. Consideration has been given the quality of the proposed design to ensure that it is appropriately related to the character of the existing building and its relationship to the Whalley Range Conservation Area. The proposal will allow the occupiers of the property to extend their home to meet their needs using a design that does not detract from the character of the property and considers their needs whilst protecting the character of the built environment within which it is located.

Scale

The proposed dormer sits within the rear roof slope and is set in from the edges of the roof and set below the ridge line of the existing roof. On balance it is considered that the scale of the proposed dormer is acceptable.

Design

The design of the dormer reflects others in the area. There are examples of dormers, in the area, one to another property on Deeping Avenue and two on the rear of properties that lie on Russell Road. The use of a slate cladding to the side elevations of the proposed dormer will reduce the potential visual impact in the locality and make it less intrusive. The proposed window opening lines up with those on the lower floors and have similar fenestration.

A materials condition is recommended to be attached to any approval to ensure that the material to form the elevation are appropriate in the context of the existing roofing material and the character of the conservation area. In terms of design, scale and appearance it is not considered that the proposal would have an adverse impact upon the amenities of local residents or the character of the Conservation Area.

Residential Amenity

It is considered that the scale and position of the dormer is such that it would not have an overbearing impact on either of the adjoining properties.

The proposed roof lights will not impact upon privacy. The windows in the rear facade would be at high level and as such any overlooking would not be significant. One would serve a bathroom and comprise obscurely glazed windows and the other window facing the blank gable on Russell Road. It is considered that as a result of the proposed development there would be no significant impact on residential amenity.

Impact on the character of the Conservation Area.

The character of this part of the Whalley Range Conservation Area is defined by the spatial characteristic of the dwellings in terms of the layout, the scale of the individual dwellings and the historic appearance of the materials used. The height, scale and massing of the dormer is considered to be acceptable in relation to the host property. However, the introduction of a dormer to the rear roof slope of the dwellinghouse would be visible from angled views from Russell Road. Given the distance and relationship to Russell Street it is considered to cause less than substantial harm to the conservation area, therefore would be in accordance with, relevant policies and the tests within the NPPF with the benefit being deemed to outweigh any harm.

Paragraph 197 of the NPPF 2021 states that the following should be taken into account when determining applications that affect heritage assets:-

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The proposed development involves adding an additional projection to the rear roof slope and does not take built form any closer to the neighbouring property in that respect. However, it does add to the amount of built form which would increase the mass of the host building. It is therefore considered that the introduction of the proposed dormer would cause less than substantial harm to the character of the conservation area, and allow a family dwelling to be enlarged to create improved accommodation.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, negotiations were entered into, which will result in a reduction in the size of the dormer including the height and the scale of works.

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:

22.3095.10, 23.3095.6 and the Location Plan, stamped as received on the 13 April 2023 and 23.3095.7 Rev A and 23.3095.8 Rev A, stamped as received on the 5 September 2023.

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) Notwithstanding the materials shown on drawing numbers 23.3095.7 Rev A and 23.3095.8 Rev A, stamped as received on the 5 September 2023, samples and specifications of all materials to be used on all external elevations of the development, shall be submitted to and approved in writing by the City Council as local planning authority, within three months from the start date of the consent hereby granted. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

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 area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Prior to the first occupation of the development the bathroom window on the dormer shown on drawing numbers 23.3095.7 Rev A and 23.3095.8 Rev A, stamped as received on the 5 September 2023, 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 Core Strategy.

Appendix 1 – List of consultees & neighbours notified

33 Russell Road, Manchester, M16 8DJ
3 Deeping Avenue, Manchester, M16 8GB
31A Russell Road, Manchester, M16 8DJ
4 Deeping Avenue, Manchester, M16 8GB
2 Deeping Avenue, Manchester, M16 8GB
35 Russell Road, Manchester, M16 8DJ

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