

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137138/NMC/2023

Date registered valid: 13 June 2023

Proposal: Non material amendment to planning permission referenced 132227/FH/2021 to allow changes to previously approved roof dormer

Address: 14 Honor Street, Manchester, M13 0WY

Ward(s): Rusholme Ward

Applicant: Mr Monir Hossain

Agent (if any): Mr Colin Williams, Alpha Design

Case officer: Carl Glennon
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Recommendation: Refuse

Date of recommendation: 4 July 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

This application relates to a back of pavement mid-terrace two storey houses with a ground floor bay to the front elevation. The house comprises of red brick with a grey slate roof. The rear elevation incorporates a 2-storey rear outrigger with a lean-to roof and a rearward projection into a brick wall enclosed yard.

Description of development

The proposed amendments relate to the following planning permission granted on 24 April 2022:

132227/FH/2021 - Erection of single storey rear extension and rear dormer extension, including installation of one rooflight on front elevation

This application seeks to reconfigure the approved flat roof extension by drawing its away from the shared boundary with No 16 to allow the retention of a chimney stack. The amendment would also introduce an additional element to the approved dormer extension. The addition would project from the rear elevation of the approved extension and across the roof plane terminating 200 mm from its eaves. The changes are shown in Fig. 1 and Fig.2.

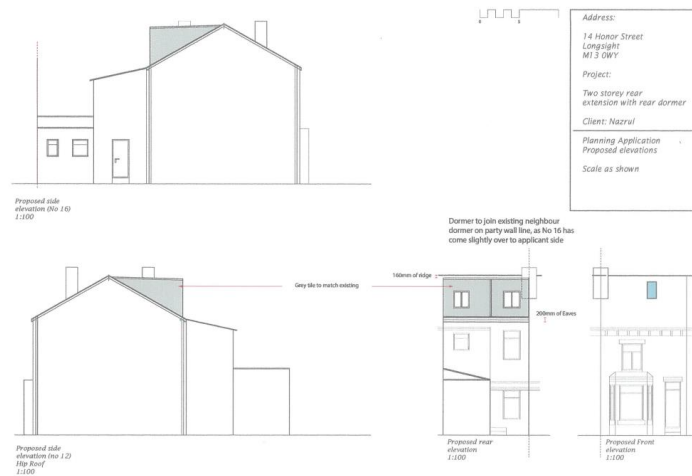


Fig.1 – Approved rear elevations

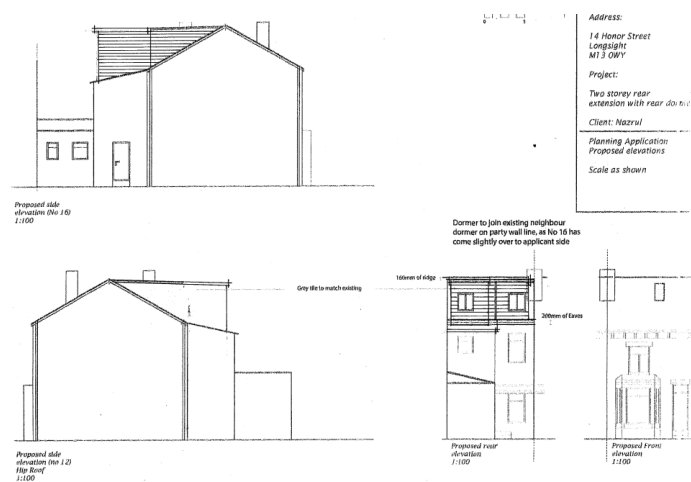


Fig.2 – Amended rear elevations

Consultations & Notification Responses

None required.

Issues

Policy - The proposed development was fully assessed with regard to the NPPF, Core Strategy and saved policies of the Unitary Development Plan and allow the relevant guidance.

The following guidance and policies are considered to be relevant to the proposed amendment: 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. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that

development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The following aspects of the Framework are relevant to the assessment of this application:

- i. Chapter 8: Promoting healthy and safe communities:
- ii. Chapter 12: Achieving well-designed places.

Planning Practice Guidance (PPG) - 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 the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Design

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

- i. Policy SP 1 (Spatial Principles)
- ii. Policy EN1 (Design Principles and Strategic Character Areas)
- iii. Policy DM1 (Development Management)

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

The following sections are of particular relevance:

- i. Section 2 Design.

The above issues were assessed as part of the consideration of planning application ref: 132227/FH/2021, which considered to be acceptable based on the submitted details. However, it is considered that the proposed changes would materially affect the appearance and relationship of the development to its context. In order to ensure that the amendment accords with the above guidance and policy requirements, the development would need to be submitted as a new planning application and subjected to local consultation.

Principle of the amendment - The proposed amendment would depart significantly from the magnitude, configuration and appearance of the previously approved roof extension. The increase in built form would potentially change the previously assessed impact on visual and residential amenity. On this basis, it is considered that the proposal represents a significant change requiring planning permission, i.e., it cannot be considered as non-material amendment.

Design – The proposed design would significantly increase the magnitude of development and would thereby affect its characteristics and relationship to the existing house and neighbouring properties.

Residential amenity – Given the significance of the changes to the development, the potential for harm to residential amenity would need to be assessed as part of a planning application. No new issues would be raised by the amendment.

Conclusion - The proposed amendment represents a material change requiring planning permission.

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

N/A

Reasons for recommendation to refuse

1) The proposed amendments relate to the changes to the design, siting, scale and projection of a rear roof extension.

2) Following an assessment of the details submitted, it is confirmed that the proposed amendments are considered to be a material change. The City Council considers that the proposed changes would have an impact upon the character of the building, the amenity of neighbouring residents and the visual appearance of the area. As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

N/A

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA