MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 138155/FH/2023 |
| **Date registered valid:** | 21 September 2023 |
| **Proposal:** | Installation of rear roof dormer |
| **Address:** | 59 Schuster Road, Manchester, M14 5LX |
| **Ward(s):** | Rusholme Ward |
| **Applicant:** | Ms Jasmine Palmer |
| **Agent (if any):** | Mr Joshua Ram, C K Architectural Ltd |
| **Case officer:** | Janet Lawless<br>Tel: 0161 234 4535<br>Email: janet.lawless@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | 13 December 2023 |

**Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 10 October 2023

**Standard consultations:**
Printed: 28 September 2023 Expired: 19 October 2023

**Neighbour notifications**
Printed: 28 September 2023 Expired: 19 October 2023

**Site notice**
Posted: 10 October 2023 Expired: 31 October 2023

**Press advert**
Published: 3 October 2023 Expired: 17 October 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

**Description of site/building**
The property that is the subject of this householder planning application is a three- storey mews house that is located mid- way along the terrace. The development of the estate that this property forms part of was granted approval in 2001 for the erection of 99 houses 6 duplex apartments & 64 apartments in 4 blocks, following demolition of the existing school buildings. The property is identified as number 59 Schuster Road and is constructed partly in buff brick and partly with a cream rendered finish. It has a gable frontage with a slate roof. There is capacity for 2 vehicles off road on the driveway that sits to the front of the property and are open plan. The remainder of the boundaries to the frontage are a low brick wall with piers, with softscape behind in the form of lawn and shrub planting, and timber panel with established planting to the rear boundaries.

**Listed building:** Not applicable

**Conservation area:** Victoria Park Conservation Area 1972

**Tree Preservation Order:** Not applicable

**Description of area**
The immediate area is predominantly residential in nature and is well served by local services and public transport links across the City. The property is located within the Victoria Park Conservation area which was designated as such in 1972. The wider area is primarily a residential area with housing dating back to the 1830s/40s, which are usually large and set within spacious grounds. However, not all the large old houses in Victoria Park have survived, and where they were demolished there now stand either groups of smaller houses or large, institutional buildings, such as schools, colleges, churches, university halls of residence and blocks of flats.

**Description of development**
The proposal is for the erection of a rear dormer extension within the existing rear roof slope of the property to create additional living accommodation. It had originally been applied for under a Certificate of Lawful Proposed Development, however, didn't comply with the requirements to be considered as the property is located within a Conservation area.
The materials to be used would match those of the existing property as would the fenestration. The accommodation would create 2 additional bedrooms and an en-suite.

**Consultations & Notification Responses**
Local Residents were informed- no representations have been received.

Fallowfield and Moss Side Civic Society- No representations received.

**Issues**

For reasons to be outlined below, it is considered the proposal accords with these policies.

Core Strategy - 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 DM 1, Development Management, - Follows the principles advocated in the aforementioned policies and informs 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 given below:-

o Appropriate Siting, layout, scale, form, massing, materials and detail.
o 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.
o 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 states that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported.

Policy EN 3 Heritage, The City Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments 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 ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

The National Planning Policy Framework (NPPF) - The NPPF was published on the 27 March 2012. The NPPF replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF is therefore a material planning consideration in the determination of planning applications.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Unitary Development Plan (UDP)

The UDP has been superseded by the Core Strategy Development Plan, however, some policies have been saved and are still considered as part of the planning process. Policy DC1 for Residential Extensions is still considered of relevance and states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- the general character of the property,
- the effect upon the amenity of neighbouring occupiers,

Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- 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 the original buildings);
- they do not create an undue loss of sunlight, daylight or privacy;
- they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;

DC18 for Conservation Areas pays particular regard to developments within conservation areas:

- the relationship of new structures to neighbouring buildings and spaces;
- the effect of major changes to the appearance of existing buildings

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

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. To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are 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.

**Principle of the Proposal**
The principle of extending a residential property in a residential area to provide additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to the proposed developments siting, design, appearance, scale and massing, and to the proposal's impact upon existing levels of residential amenity.

**Residential Amenity**
The application site comprises a two- storey terraced property within a predominantly residential area of Whalley Range within the Conservation Area. The site is bounded by a low brick wall to the front with a small lawn and parking area to the frontage, and timber fencing securing the side and rear boundaries, together with well- established planting. There are no windows proposed in the dormer cheeks with the windows being in the rear elevation overlooking the applicants' own garden. As such there is no issue with regards to overlooking arising from the dormer extension. The dormer extension enables the increase in the amount of residential accommodation provided turning the property from a 2 bed house to a 4 bed house, and yet the increase in accommodation through being accommodated within the roof space appears physically modest whilst increasing considerably the usable space within the property. As there are no extensions proposed at the ground level, there is no impact upon the amount and quality of the external space that would be retained for the occupants of the property.

**Visual Amenity**
The proposed dormer would be set within the rear roof plane of the existing house, it is set back from the roof edge, set in from the sides, and would be lower than the existing ridge height. Due to the position of the host property within the terrace, it is not visible from within the street scene, being only viewed from internal to the neighbouring gardens. The materials to be used would comprise of matching slates. It is not considered that the proposed dormer extension would have a detrimental impact upon the visual amenity of the neighbouring properties, nor have a detrimental impact upon the property itself nor the character of the Conservation area within which it is located. The proposed development therefore accords with Core Strategy Policy DM1 and saved policies DC1 and DC18 of the UDP.

**Siting, scale and massing**
The projection of the rear dormer extension would be set back from the roof edge and set in off the common boundary with the neighbouring properties, it is set down from the existing ridge, and presents as a modest extension, subservient to the existing property and is not excessively large or bulky and are therefore considered to accord with the principles set out in saved UDP policies DC1 and DC18 and accords with Core Strategy policies DM1 and EN3 of the Core Strategy.

**Design and appearance**
The design of the proposals would complement the original aesthetic of the property in that the materials would match as would the window proportion which mirror the windows in the rear elevations below. It is considered that the proposals are acceptable in terms of design and appearance and would not adversely impact upon either the property itself or on the character of the conservation area.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN3 and in general the design is considered acceptable.

**Impact on the Character of the Victoria Park Conservation Area**
The City Council encourages where appropriate the retention of the original character and detail of properties within the Conservation Area. In terms of its size, the proposals would be located

in a suitable position and would not interfere with the existing characteristics of the property or surrounding properties within the conservation area. The property is itself a modern addition to the streetscape having been a newbuild, but it is still sympathetic to the original properties within the neighbourhood. They are sympathetic in terms of their interpretation in terms of design and colour pallet and as a modest extension, it cannot be viewed from within the street scene due to its rear roof slope location. It is considered that the proposal accords with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

**Trees**
The proposal has no impact upon the trees.

**Disabled access**
Not applicable

**Bins**
The proposal has no impact on the current waste management.

**Parking**
Car parking is not affected by this proposal.

**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 polices 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 was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance there were no additional negotiations required, and the application has been determined with the attachment of appropriate conditions.

**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:
001 Rev A-Proposed Floor Plans and Elevations
Location Plan
stamped as received 21st 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) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture, and as stated on the Householder Application Form.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

5) The application property and alterations hereby approved shall be used as a Use Class C3 single family dwellinghouse only and for no other purpose (including as a House in Multiple Occupation Use Class C4 or sui generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Rusholme, Fallowfield & Moss Side Civic Society

The Consulate For The Peoples Republic Of China, 38A Schuster Road, Manchester, M14 5PE
63 Schuster Road, Manchester, M14 5LX
61 Schuster Road, Manchester, M14 5LX
57 Schuster Road, Manchester, M14 5LX
38 Schuster Road, Manchester, M14 5PE
10 Park Range, Manchester, M14 5HQ
8 Park Range, Manchester, M14 5HQ

**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
Conservation Area - Victoria Park Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA