

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136179/FH/2023
Date registered valid: 7 February 2023
Proposal: Construction of a rear dormer to provide additional living accommodation
Address: 22 Darley Avenue, Manchester, M20 2YD
Ward(s): Didsbury West Ward

Applicant: Mr and Mrs Gedge
Agent (if any): Mr Nick Harden Edifice Building Consultants Ltd
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 03 April 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 08 March 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 2 March 2023 Expired: 23 March 2023

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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey semi-detached C3 dwellinghouse of redbrick with a white rendered principal elevation with redbrick accents and a rosemary clay tile half hipped roof. The property features white uPVC windows, including a two-storey bay to the front, a spacious front driveway bordered by a low redbrick wall and hedge, a single storey rear extension and an outbuilding situated within a modest sized rear garden.



Figure 1. Principal elevation of No.22 Darley Avenue.



Figure 2. Rear view of property.

Description of area

Darley Avenue is a residential street situated within the Didsbury West ward of Manchester, close to Princess Road (A5103), the River Mersey and Merseybank Playing Fields. The area predominantly consists of semi-detached and terraced residential properties and benefits from its proximity to outdoor amenity and green spaces.

Description of development

The applicant is seeking permission for the construction of a rear dormer to provide additional living accommodation.

Planning History

094164/FH/2010/S2 - Erection of single storey rear extension, elevational alterations to the rear, installation of decking to rear, erection of single storey garage in rear garden and installation of new double gates to entrance – **APPROVED** (22.10.2010)

Consultations & Notification Responses

Three letters of objection have been received from three neighbouring residents from three separate address points. Their concerns are summarised as follows:

- Installation of the rear dormer would result in overlooking of the private rear gardens of neighbouring properties, including those situated on Darley Avenue, Ashwood Avenue and Oaker Avenue.
- This would result in neighbouring residents experiencing a loss of privacy, enjoyment, and amenity.
- The scale and massing of the proposal is excessive and would result in an overly prominent, unsightly, intrusive, and bulky addition to the property, causing issues associated with overshadowing and loss of light.
- The dormer should include a greater setback from the eaves to mitigate its dominant appearance.
- No details have been provided for the proposed materials of the flat roof of the dormer.
- The proposed replacement concrete roof tiles would not be in-keeping with the appearance of the existing acme / rosemary-type small format clay tiles.
- The dormer's design is not in-keeping with the character of the surrounding properties.
- Installation of the dormer would harm the property values of neighbouring dwellings.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Principle – the principle of installing a rear dormer to provide additional living space for a family dwellinghouse is generally acceptable given that many individuals prefer to extend and alter their homes to meet changing household needs rather than move. However, consideration must be given to the proposal's siting, scale and massing, appearance and impact upon visual amenity, residential amenity, waste storage and parking.

Siting, scale and massing – the dormer would be sited within the original rear slope of the roof, projecting 4.372m with a width of 8.427m, height of 2.467m and resulting volume of approximately 45.45 cubic metres. The dormer would leave a gap to the eaves of 0.185m, would be set in from the party wall by 0.065m, set in from the roof edge by 1.778m (with a slight overlap with the half hip at its uppermost edge) and would be set 0.147m below the ridge.

Though relatively large in terms of its scale, the dormer is close to being permitted development as it would not exceed the highest part of the existing roof, would not front a highway or be situated along the property's principal elevation, would not exceed 50 cubic metres in terms of its volume and would not extend beyond the face of any external walls. The edge of the dormer would be situated less than 0.2m from the eaves, but only by a small margin (approx. 1.5cm) and would predominantly occupy the original slope of the roof with a very slight projection beyond the roof's half hip.

Thus, whilst the Council acknowledges the concerns of neighbouring residents who objected to the proposal on the grounds that it would form an overly prominent, unsightly, intrusive, and bulky addition to the property, the proposed development is considered acceptable and the fallback permitted development position is a material consideration. The dormer is considered to be subservient to the host dwellinghouse and is not believed to result in an 'excessively large or bulky' addition to the property as well as being in-keeping with the overall precedent for rear dormers in this locality.

The proposal is therefore considered acceptable as it accords with policy DC1 of the UDP and policies DM1 and SP1 of the Core Strategy.



Figure 4. Proposed elevations, as submitted by the applicant's agent.

Residential amenity – due to the scale and orientation of the proposal as well as the existing precedent of similar works in this area, it is not considered that the proposal would cause undue harm to residential amenity in terms of sunlight, overshadowing, overlooking and privacy, particularly given that the only windows and doors for the proposed dormer are rear facing.

Objections were received from three local residents who raised concerns relating to the rear dormer's windows / doors (which include two Juliet balconies) and their potential to overlook the private rear gardens of neighbouring properties, thus infringing upon their privacy. However, it is considered that, due to their setback from the eaves, these windows and doors would provide no further degree of overlooking than other existing rear windows at first floor level and, as such, should not compromise the privacy of neighbouring occupants to warrant refusal of the application.

In terms of loss of daylight and overshadowing, such affects would be limited given the orientation of the property, as such whilst there may be some overshadowing and loss of daylight and certain times of the day this is not considered to be significant to warrant refusal of the application particularly given the fallback permitted development position.

The proposed development is therefore acceptable in regard to its minimal effect upon residential amenity as it accords with Core Strategy policies DM1 and SP1 and saved policy DC1 of the UDP.

Waste storage – the current waste storage arrangements would be unaffected by this proposal.

Parking – the current parking arrangements would be unaffected by this proposal.

Other – in their objection letters, neighbouring residents also raised concerns relating to the applicant replacing the existing rosemary clay tiles with Marley Edgemere Duo Old English dark red concrete tiles. It should be noted this alteration is able to be undertaken under permitted

development regulations and does not require planning permission. As such, it has not been considered in the assessment of the proposal.

Concerns were also raised relating to the proposal's potential to harm the property values of neighbouring dwellings. This is not a material consideration that can be assessed by the Council's planning department.

Conclusion – given the above issues, it is considered that the proposed dormer is acceptable in terms of its principle, siting, scale and massing, appearance and impact upon existing levels of visual and residential amenity as well as waste storage and parking as it broadly complies with policy DC1 of the UDP, policies DM1, SP1, EN1 and EN19 of the Core Strategy and chapter 12 of the NPPF. This is furthermore supported by the proposal being near compliant with permitted development regulations.

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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 permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the drawings and supporting documents labelled:

'Proposed Materials Schedule', numbered '826-MAT01', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed First Floor Plan', numbered '826-3.02 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Second Floor Plan', numbered '826-3.03 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Elevations Overview', numbered '826-4.01 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Rear Elevation', numbered '826-4.03 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Side Elevation', numbered '826-4.04 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Side Elevation', numbered '826-4.05 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Section A-A', numbered '826-5.01 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

'Proposed Section B-B', numbered '826-5.02 A', stamped as received by the City Council as Local Planning Authority on the 7th February 2023.

Reason - To ensure 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 development hereby permitted shall match those specified on the submitted application form and approved drawings.

Reason - To ensure the appearance of the building to be developed is not adversely affected by the materials to be used in the construction of the development, 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.

Appendix 1 – List of consultees & neighbours notified

35 Ashwood Avenue, Manchester, M20 2YB
37 Ashwood Avenue, Manchester, M20 2YB
21 Darley Avenue, Manchester, M20 2ZD
19 Darley Avenue, Manchester, M20 2ZD
28 Oaker Avenue, Manchester, M20 2XH
30 Oaker Avenue, Manchester, M20 2XH
26 Oaker Avenue, Manchester, M20 2XH
25 Darley Avenue, Manchester, M20 2ZD
23 Darley Avenue, Manchester, M20 2ZD
24 Darley Avenue, Manchester, M20 2YD
20 Darley Avenue, Manchester, M20 2YD

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
Area Team Boundary - Name: SOUTH AREA