



Planning Appeal Statement

Appeal At: 16 Clarendon Road West, Manchester, M21 0RW

Proposal: Installation of rear roof dormer to form additional living accommodation

Appellant: Michael Hewson

Contents

1. Introduction	2
2. Background	2
3. Response to council's reason for refusal	2 - 5
4. Other Material Considerations	5 - 8
5. Summary	8
6. Appendices	8

1. Introduction

1.1 The following statement will explain the reasons why the Council's decision to refuse planning permission was incorrect and demonstrate why permission should be granted for the proposal. In particular, this statement will respond in a clear, concise and direct manner to the reason for refusal of the planning application. It will then analyse key material considerations relevant to the scheme.

2. Background

2.1 The site is a large semi - detached property set in a rectangular plot of land in Clarendon Road. The site is located within the urban area of Chorlton which is part of the city of Manchester.

2.2 The current application was submitted and validated on the 13h June 2022. The application was refused by Manchester Council on the 10th August 2022 for the reason identified below.

3. Response to council's reason for refusal

Reason 1

"1) The proposed development by reason of its design, scale and massing and prominent position, would result in an overly dominant and incongruous feature which is out of character with, and fails to contribute positively to, the general character of the local area. The proposal is therefore contrary to policies SP1, EN1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1 and the guidance within the National Planning Policy Framework".

Response

Key Issue

3.1 The key issue in the current appeal is therefore whether the proposed rear dormer would result in harm to the character of the local area and if so, whether this is significant enough to warrant refusal of the application.

Rear Dormer

3.2 In relation to the impact of the rear dormer, firstly, due to the location of the dormer at the rear of the property, the dormer would not be readily visible from the street scene. Therefore, there will be no visual detriment or observable harm to the character of the area.

3.3 Secondly, In relation to the design of the scheme, the council in their officer report state that the design is not detailed as what is normally expected of such a structure. However, none of the other extensions on Clarendon Road (listed below) are detailed and the proposal is of a similar design. For example, the rear dormer at no 12 (Appendix A), does not have detailed traditional styling. Therefore, it would be unreasonable for the council to insist on this for the current proposal.

3.4 Thirdly, several of the surrounding dwellings on Clarendon Road have similar rear dormers. As Shown in Appendix A, there are 6 properties with rear dormers, 2 of which (4 and 32) are smaller in scale than the current proposal. However, the remaining 4 (8,12,28,30) are similar in scale to the proposal and extend across the whole of the rear of the dwelling. A summary of other rear dormers along Clarendon Road is shown in the table below. Therefore, far from being contrary to the character of the area, the proposed rear dormer would be consistent with it.

House number (Clarendon Road)	Dormer	Similar to Proposal?
4	Yes	No - smaller in scale, takes up only part of rear.
8	Yes	Yes - similar in scale, extends across the whole of the rear.
12	Yes	Yes - similar in scale, extends across

		the whole of the rear.
28	Yes	Yes - similar in scale, extends across the whole of the rear.
30	Yes	Yes - similar in scale, extends across the whole of the rear.
32	Yes	No - smaller in scale, takes up only part of rear.

Manchester UDP (1995)

3.5 In relation to the Manchester UDP (1995), it is considered that only limited weight can be attributed to this due to its age and the more restrictive policy on dormers which preceded the introduction of permitted development rights for rear dormers and the more positive approach to upward extensions in the 2021 NPPF. Instead the application should be assessed against the NPPF.

NPPF Para 120

3.6 NPPF Para 120 states that upward extensions should be allowed where consistent with the form of neighbouring properties and the street scene and is well designed and can provide safe access. Whilst the para refers to new homes, it also includes proposals for house extensions where additional floorspace rather than a new unit is proposed.

“120. Planning policies and decisions should:

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers”.

Lack of Neighbour Objections

3.7 It should be noted that there are no objections to the proposal from neighbours. Given the lack of neighbour objections and the lack of views of the proposal from the street scene, there would not be any material harm from the proposal.

Conclusion

3.8 Overall, It is considered that the application would not result in harm to the character of the area and is consistent with the Manchester UDP, Core Strategy and NPPF.

4. Other Material Considerations

117786/FH/2017 - Rear Dormer at 153 Oswald Road, Chorlton-cum-Hardy, Manchester, M21 9AZ

4.1 The council's decision in the current application is inconsistent with its decision at 153 Oswald Road (117786/FH/2017) where a similar rear dormer was approved in 2017 (although described as a second floor extension). Its scale and design is very similar to the current proposal, (see Photos below). The property is within half a mile of the appeal property. The council advised that even if the description of the current application were changed to the same as the above, the application would not be acceptable.





Figure 1 : Showing Photos of the approved extension at 153 Oswald Road.

Appeal Decision - APP/B4215/C/17/3171637 - Land at 234 Mauldeth Road, Manchester M19 1AU - erection of a side and rear dormer extension shown edged in red on photograph ENF/01 and the erection of a part single, part two storey rear extension shown edged in blue on photograph ENF/02.

4.2 A much larger series of side and rear dormer extensions was allowed at appeal in Manchester in 2017 (Appendix B). In particular, the inspector concluded that despite being visible from the street, the overall height and scale of the dormer would not harm the character of the area. In contrast, the current scheme has significantly less visual impact and would not be readily visible from the street scene.

“5. The two-storey addition is visible from public vantages. That said, however, its overall height and scale does not have an overly dominant impact on passers-by, due to the position and angle of the corner plot. The as built development

successfully integrates with the architectural style of properties in the street. The design and layout of the development reflects the residential character of the locality, and relates well to other dwelling-houses.”



Figure 2: Showing dormer allowed on appeal at 234 Mauldeth Road.

5. Summary

5.1 It is considered that it has been demonstrated that the dormer extension would not harm the character of the existing property or local area. The appellant therefore respectfully invites the Inspector to allow the appeal.

6. Appendices

6.1 The following documents are attached as appendices:

- A. Appendix A - Neighbour Context
- B. Appendix B - Manchester - Appeal Decision - APP/B4215/C/17/3171637

Appendix A – Showing Context of Neighbouring Properties



Key Appeal Property - Yellow Star

Red Arrows (Left to Right) 4,8,12 Clarendon Road and on right, 28, 30 and 32 Clarendon Road.

Green Star – Streetscene view from Abbotsford Road showing rear dormers at 28, 30 and 32 Clarendon Road.

4,8 and 12 Clarendon Road

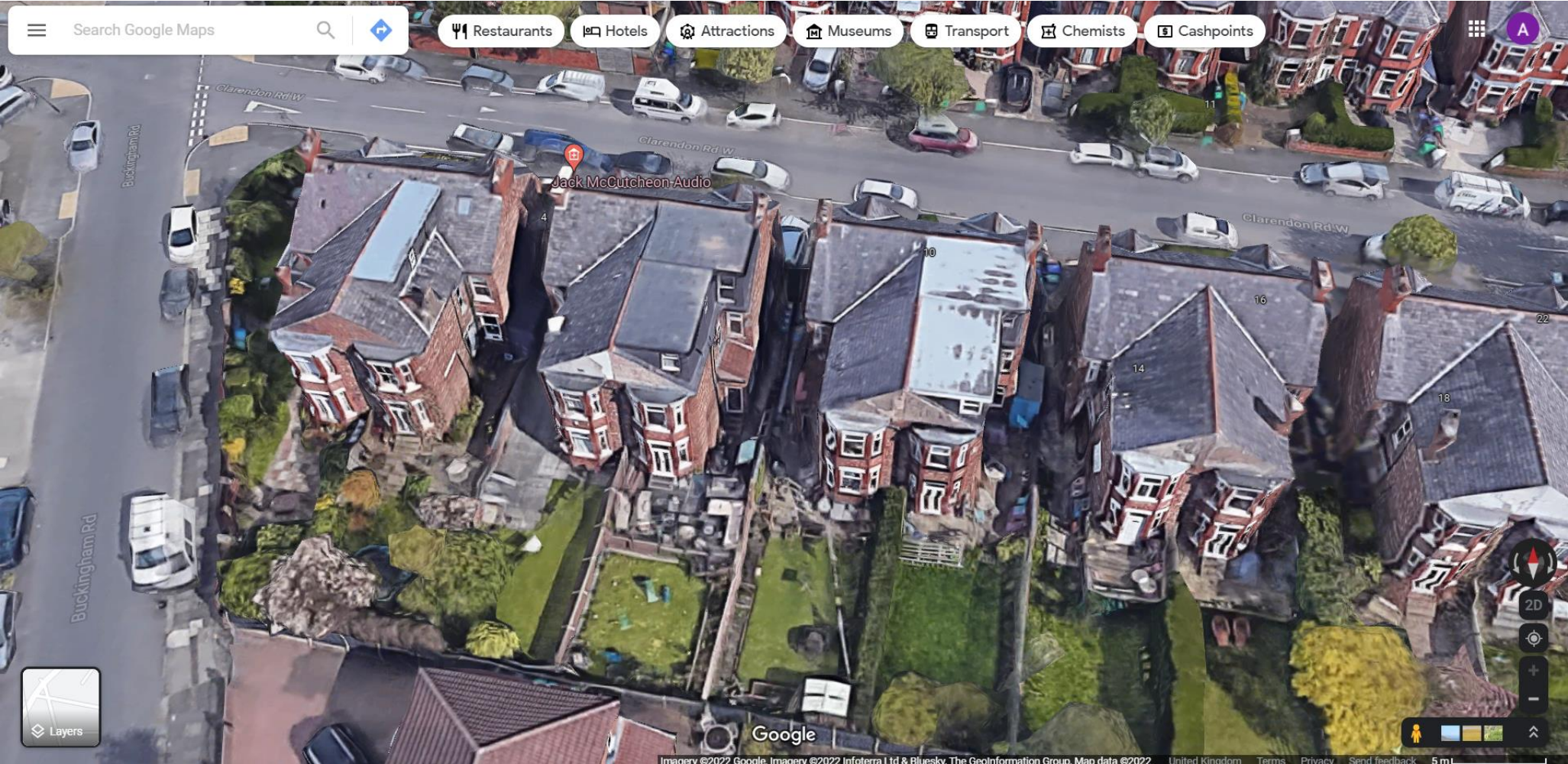
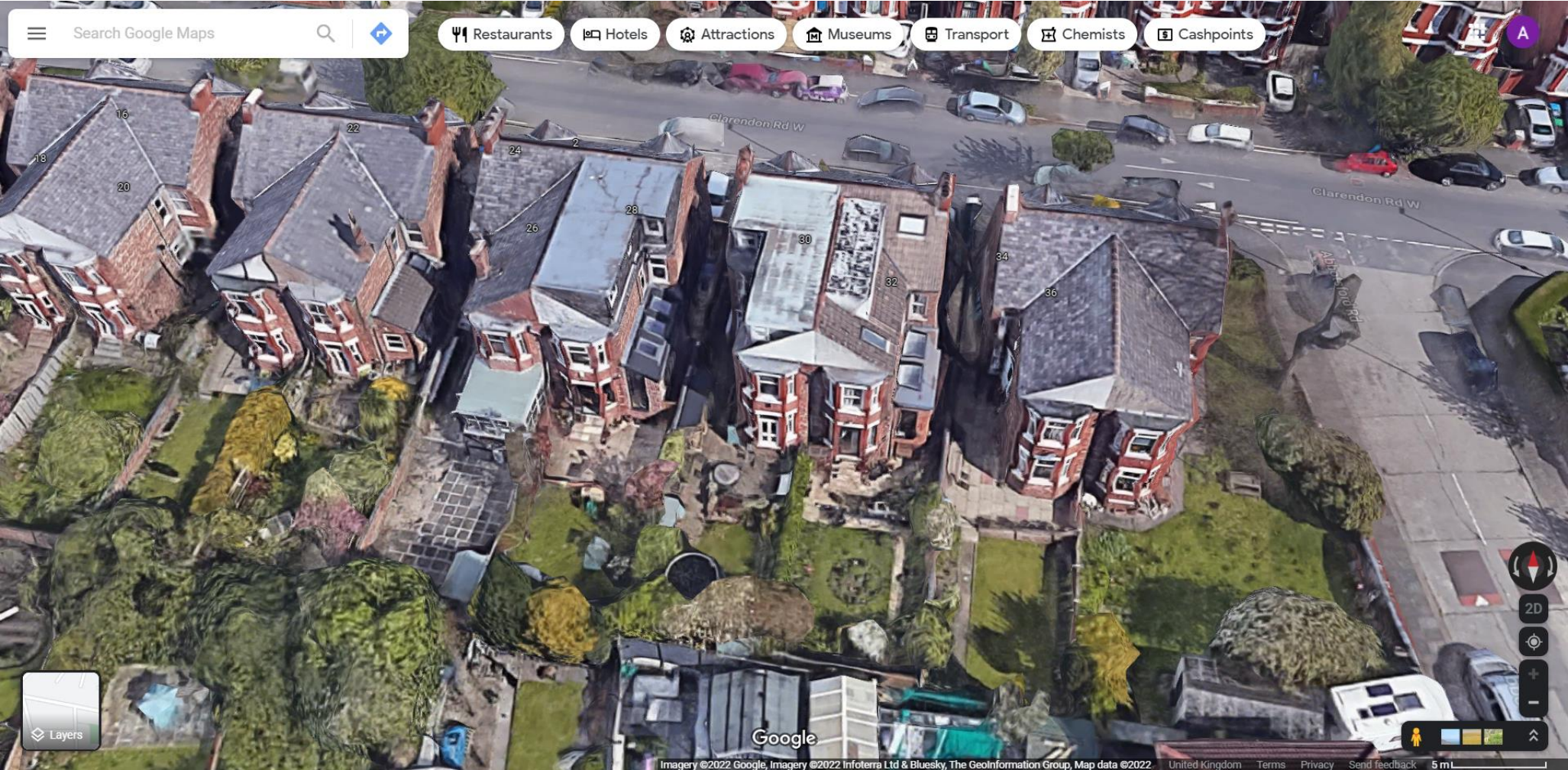


Photo showing rear of 16 and the existing rear dormer of 12 Clarendon Road (on the left).



28,30 and 32 Clarendon Road



28,30 and 32 Clarendon Road from Abbotsford Road





Appeal Decision

Site visit made on 14 August 2017

by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2017

Appeal Ref: APP/B4215/C/17/3171637

Land at 234 Mauldeth Road, Manchester M19 1AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Rafa Younis against an enforcement notice issued by Manchester City Council.
 - The enforcement notice was issued on 8 February 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a side and rear dormer extension shown edged in red on photograph ENF/01 and the erection of a part single, part two storey rear extension shown edged in blue on photograph ENF/02.
 - The requirements of the notice are to:
 - (1) Remove the dormer extensions shown edged in red on the attached photograph ENF/01.
 - (2) Remove the part single, part two storey rear extension shown edged in blue on the attached photograph ENF/02
 - (3) Make good the rear elevation property and the roof and remove from the land all building materials, rubble and waste arising from the alterations.
 - The period for compliance with the requirements is twelve months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a side and rear dormer extension shown edged in red on photographs ENF/01 and the erection of a part single, part two storey rear extension shown edged in blue on photograph ENF/02 on land at 234 Mauldeth Road, Manchester M19 1AU referred to in the notice.

Reasons

2. The main issue is the effect of the development upon: (1) The character and appearance of the host building and that of the street scene and (2) neighbours' living conditions, with particular regard to outlook.
3. No. 234 is located on a corner plot in a mainly residential area characterised by an assortment of dwelling-house types. Planning permission was granted for the erection of a porch to the front elevation, part-single and part two-storey rear extension to form additional living accommodation. The development, as built, did not strictly accord with the approved plan in that a rear dormer extension was built. The Council considered it expedient to take enforcement action given its concern about the visual effect of the development carried out without planning permission.

4. The Council acknowledge that the single-storey rear extension is acceptable in planning terms, but it is concerned about the two-storey element in particular. The two-storey projection exceeds what had been permitted previously, and the concern is that the development relates poorly to other properties. However, when its design and the type of building materials used on the external elevations are considered together, I take the view that the development does not adversely affect the external appearance of the host building.
5. The two-storey addition is visible from public vantages. That said, however, its overall height and scale does not have an overly dominant impact on passers-by, due to the position and angle of the corner plot. The as built development successfully integrates with the architectural style of properties in the street. The design and layout of the development reflects the residential character of the locality, and relates well to other dwelling-houses.
6. There is sufficient distance between adjoining buildings and the appeal property. While the dimensions of the extensions result in development that is visible from adjoining properties, the overall design and layout does not have an overly dominant visual effect. The end of row position of the appeal plot results in development that does not materially harm neighbours' outlook, given the position of the extensions.
7. Given the materials utilised in the external elevations, conditions are unnecessary. The development meets the Council's objective of creating neighbourhoods of choice providing high quality housing, due to the overall scale of the extensions. Consequently, the extensions do not have a visually detrimental effect upon the amenity of the area. Accordingly, the scheme conflicts with policy SP 1 and DM 1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012, and policy DC1 of the Citywide Development Control Policies.
8. On the main issue, I find that the development does not have a materially harmful effect upon: (1) the character and appearance of the host building and that of the locality and (2) neighbours' living conditions.

Conclusion

9. For the reasons given above, and having regard to all other matters, I conclude that the appeal should succeed on ground (a) and planning permission has therefore been granted, without conditions.

A U Ghafoor

Inspector