

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134164/FO/2022

Date registered valid: 24 June 2022

Proposal: Installation of dormer to rear elevation and addition of gable window.

Address: Flat 1, 14 Kingsway, Manchester, M19 2DD

Ward(s): Rusholme Ward

Applicant: Mr Muzaffar Hyat, Flat 1, 14 Kingsway, Manchester, M19 2DD

Agent (if any): Mr Farhan Rama, Archirama Ltd, 3 Parkgate Avenue, Manchester, M20 3BZ

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 September 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12th August 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 August 2022 Expired: 7 September 2022

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

The property that is the subject of this application is a 2 storey end of terrace brick built commercial property identified as Flat 1 , 14 Kingsway in the Rusholme ward of the City. The remainder of the units within the terrace comprise of hairdressers, educational facility, car parts shop and large grocers. The properties sit back of pavement with a forecourt frontage and layby parking. There is an existing access to the frontage for the residential accommodation to the upper floors. The other door on the frontage is for access to the commercial unit at the ground floor. There is one duplex flat, which shall remain the same. There is a very small open yard to the rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the area is residential in nature. To the north of the site is Kingsway Avenue, whose gardens run alongside the property at number 14 Kingsway.

Description of development

The proposal is for the erection of a small dormer extension to the rear with the installation of a small obscurely glazed window in the gable elevation for secondary lighting purposes. The dormer extension is to provide greater headroom within the existing duplex flat, and not to increase the occupancy. Initially French windows and a Juliet balcony in the rear elevation were also proposed, however the application has been revised during its assessment, and these elements were removed from the scheme.

Consultations & Notification Responses

Local Residents were informed- Two rounds of consultations took place, the first on the original submission, the second on the reduced scheme. Two letters were received the comments being as follows:

I am concerned regarding the gable window and would like to object. Firstly this will overlook my property. Secondly I'm concerned over how the window would be installed. The only external access to the wall is via my garden. My garage adjoins the gable wall and I've just had this re-roofed so would not grant permission for any access for builders or scaffolding due to the risk of damage.

Issues

National Planning Policy Framework

The new National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- o creating well designed places,
- o making a positive contribution to health, safety and well-being,
- o considering the needs of all members of the community, and
- o protecting and enhancing the built and natural environment.

Policy DM1 (Development Management) - This policy seeks to protect the amenity of an area from the adverse impacts of development. In particular the impact of the proposed development on amenity, vehicle access and car parking.

Issues

Principle

This application seeks to improve the standard of accommodation on offer without increasing the amount of accommodation within the building. In principle therefore the proposed development is considered acceptable and accords with Core Strategy policies DM1 and SP1.

Design of the Dormer

The property is an unusual shape as it narrows as you go further back into the site, sitting on a roughly triangular plot that leads out onto the residential road to the rear.

The dormer to the rear would be a quite simple flat roofed design, the existing building has very little architectural merit to the rear and it is considered that the dormer on the rear will have a neutral contribution to the character of the building. It is considered that the new dormer would not be visually obtrusive within the street scene. On balance the design of the proposed rear dormer is considered to be acceptable.

Residential Amenity

The dormer on the rear of the property is to be obscurely glazed. This will provide additional headroom for the existing reconfigured duplex flat, whilst affording no additional views into and out of the property. The existing windows on the rear elevation are obscurely glazed, and as such this would protect the residential amenity of the occupants of the proposal site, and of the neighbouring properties on Kingswood Avenue to the rear. In turn it would improve the residential amenity for the existing and future occupants of the flat.

There is a small window proposed in the gable elevation again this would only have a 1/3 opening light and would be obscurely glazed. This would only provide for secondary lighting and ventilation purposes and only serves the landing, but no view into or out of the property. As obscurely glazed neither of the additions would result in overlooking or loss of privacy for the occupants on Kingswood Avenue.

Visual Amenity.

The proposed dormer would not be highly visible from within the street scene, and as a modest extension to the property it is not considered to have a detrimental impact upon the property itself or the area in which it is located.

Parking

No impact

Waste Management

No change to existing situation.

Comments on objection

The proposal by way of size orientation and obscure glazing would not result in overlooking or loss of privacy. The methods used to construct the development particularly the issue of inserting the gable window are not assessed through the planning process, there are other mechanisms for dealing with this, and may fall within the realms of Civil issues.

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 agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case no significant issues have arisen during the consideration of this application and the application has been determined in line with both national and local policies. Appropriate conditions have been attached to the permission granted.

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:

PL01A- Proposed Floor Plans and Elevations received 25th of August 2022.

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 extensions hereby permitted shall match those of the existing building in type, size, colour and texture, including the mortar and patching in.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy, and the requirements of the National Planning Policy Framework.

4) Before first occupation the windows in the dormer to the rear elevation (north) and the window in the gable (west) shall be obscure 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 residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5) 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.

Appendix 1 – List of consultees & neighbours notified

16 Kingsway, Manchester, M19 2DD
7 Kingsway, Manchester, M19 2BZ
3 Kingsway Avenue, Manchester, M19 2DH
1 Kingsway Avenue, Manchester, M19 2DH
Chemist, 10 Kingsway, Manchester, M19 2DD
Flat Above, 12 Kingsway, Manchester, M19 2DD
Top Flat, 10 Kingsway, Manchester, M19 2DD
1 Kingsway, Manchester, M19 2UX
Flat 6, 1 Kingsway, Manchester, M19 2UX
Flat 3, 1 Kingsway, Manchester, M19 2UX
12 Kingsway, Manchester, M19 2DD
14 Kingsway, Manchester, M19 2DD
10 Kingsway, Manchester, M19 2DD
Flat 8, 1 Kingsway, Manchester, M19 2UX
Flat 7, 1 Kingsway, Manchester, M19 2UX
Flat 5, 1 Kingsway, Manchester, M19 2UX
Flat 4, 1 Kingsway, Manchester, M19 2UX
Flat 2, 1 Kingsway, Manchester, M19 2UX
Flat 1, 1 Kingsway, Manchester, M19 2UX
5 Kingsway, Manchester, M19 2BZ

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 - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: SOUTH AREA