

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134355/JO/2022

Date registered valid: 12 July 2022

Proposal: Variation of condition number 2 (specified plans) from planning approval reference 128984/FH/2020 to allow for alterations to rear roof dormer

Address: 2 Glencross Avenue, Manchester, M21 9NF

Ward(s): Chorlton Ward

Applicant: Mr Paul McCormack 2 Glencross Avenue, Manchester, M21 9NF

Agent (if any): Mrs Amy Axon Guy Taylor Associates Trafalgar House, 5-7 High Lane, Chorlton, Manchester, M21 9DJ

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 September 2022

Application details

Type of application: Variation or Removal of Condition
Development type: Householder
Date of site visit: None (site visited for previous applications)
Standard consultations: No consultations have been printed and sent.
Neighbour notifications: Printed: 21 July 2022 Expired: 11 August 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
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application site is an Edwardian semi-detached dwelling situated on the northern side of Glencross Road, close to the junction with Grange Avenue, in the Chorlton ward. The property is of red brick and render construction with gardens at the front and rear and access along the eastern side. Originally, the roof formed a cross gable giving a part recessed rear elevation.

The property has been extended under the applications below.

Planning History

128983/FH/2020 - Erection of a single storey rear extension, first floor rear extension, and rear dormer to form additional living accommodation – Approved 23.06.2021

128984/FH/2020 - Erection of part single, part two storey rear extension and rear dormer to provide additional living accommodation together with elevational alterations (including insertion of windows) and application of brick and render to existing elevations – Approved 24.06.2021

132593/NMC/2021 - Non-material amendment application to planning approval reference 128983/FH/2020 in order to change the cladding material to the dormer walls – Approved 17.01.2022

133312/NMC/2022 - Non material amendment to planning permission 128984/FH/2020 to amend the size of rear window to match proposed dormer window, insert 2no. rooflights in extended first floor rear extension, removal of proposed side window ground floor, brick header to rear opening to change from 3 courses to 1 course, removal of 2 chimneys to the side elevation, proposed rear doors mechanism changed from sliding to bi-folding, proposed first floor bathroom window opening 1.7m height from first floor level with obscured glazing – Approved 21.04.2022

CDN/22/0185 - Discharge of Condition 5 (gas membrane) attached to planning permission 128984/FH/2020 Approved 26.04.2022

133925/NMC/2022 - Non-Material Amendment to planning permission 128984/FH/2020 to allow for revisions to the size of the rear dormer – Withdrawn 12.07.2022

Description of area

The site is within a residential area comprising a similar housing typology and 325 metres northwest of Chorlton District Centre.

The materials palette comprises of red brick and white render with grey roof tiles. There is some evidence of rear infill extensions and dormers in similar house types locally.

Description of development

Variation of condition number 2 (specified plans) from planning approval reference 128984/FH/2020 to allow for alterations to rear roof dormer.

The development is in situ and the present application has arisen due to an ongoing dispute regarding the line of the party wall.

Consultations & Notification Responses

A total of 7no. neighbours were notified of the application by letter. One comment was received:

My neighbours are applying for retrospective planning permission for a completed extension and have submitted as built drawings. The submitted drawings show an increased dormer area and a flank wall that has moved approx. 25cm from that on the original plans. Part of the new ground floor drawing is I believe outside the original red line site plan. In this case I do not believe that planning can approve this application as a variation.

I understand that planning cannot determine boundary matters but the submitted drawings make assumptions about these matters as a major tenet of their application. It follows that planning cannot agree to these drawings and therefore approve a new determination of the boundary. The drawings identify boundary changes to support the design alterations they have made but the boundary cannot move just because my neighbours have made an error and built there.

If the Council agree this variation to the original design, it sets a dangerous precedent. It says that if you build in the wrong place and across another property, the council will rubber stamp the design changes created by this error.

If as you have previously said you can only deal with objections based on planning principles – the variation is overbearing, over developed and has a negative visual impact.

Policy

The following planning policy documents which make up the Development Plan for Manchester are material considerations in this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. Several policies have been saved by way of a Secretary of State Saving Direction. For the purposes of this application, policy DC1 'Residential Extensions' is extant and therefore material to the assessment of the application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. The following policy is material to this application:

Policy DM1 - Development Management

The National Planning Policy Framework (NPPF, 2021)

For reasons to be outlined below, it is considered the proposal accords with the principles of the Development Plan.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built

environment; and that the design, scale and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the UDP relate specifically to residential extensions and set out criteria against which proposals for extensions will be assessed.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable subject to satisfactory impacts on residential and visual amenity.

Residential amenity

The dormer in this variation makes no amendment to the size or position of windows to any extent that enables intrusive overlooking or a loss of existing levels of privacy. As noted below, there is a slight decrease in the metric volume of the dormer but its height above ground level has not changed. Overall, it is currently and has previously been assessed as being acceptable, having no overbearing or overshadowing impact on neighbouring occupiers.

Visual amenity

The dormer as built compared to the approved plans has little visible impact. Saved UDP policy DC1a requires that development takes into consideration the general character of the property, the overall appearance in the street scene (DC1d), whether development is excessively large and bulky (DC1.2a) and that it is not out of character with the style of development in the area (DC1.2c). This policy can be weighed against the current Permitted Development allowance which permits roof additions up to 50 cubic metres for a semi-detached dwelling. This route could not have been the applicants' fall-back position as the dormer does not come off the original eaves. However, in terms of determining the amount of build in the present application, how this compares to the original approval and Permitted Development allowance, comparison is made between the two schemes:

As built dormer

Dormer depth – 4.2m
Dormer height – 2.16m
Dormer width – 5.4m

Dormer volume = 48.98m³

Original approval

Dormer depth – 4.7m
Dormer height – 2.27m
Dormer width – 6m

Dormer volume = 51.96m³

There has been a small decrease in the as built dormer volume of 3m³ which would meet the criteria for Permitted Development, whereas the original proposal was slightly over the allowance. Based on this together with the scale of the dormer, its siting on the rear elevation with no visibility in both the Glencross Avenue and Grange Avenue street scene, the style and character of other rear roof dormers in the local area (eg: Nos.5 and 7 Glencross Avenue – permissions 125228/FH/2019 and 071410/FH/2004/S1 respectively) and matching materials, the proposal accords with saved UDP policy DC1 as set out above and with the general aims of Core Strategy policy DM1.

Other matters

Concerns have been raised with regards to the siting of the as built dormer and the Party Wall. The objector is concerned that the development has been built over the Party Wall line and that any approval of the application condones the alleged transgression. Plans and elevations submitted in this application have shown Party Wall lines on the horizontal and vertical plane.

The application has been assessed on its Planning merits.

The Council has previously advised the adjoining neighbour that Party Wall issues are a civil matter that cannot be resolved through the Planning process and that other routes to resolving the issue are available to the objector.

The Council has also advised that the site edged red is the relevant boundary for Planning purposes. A copy was requested during consideration of this application to determine whether it had changed, Certificate B needed to be signed on the application form and Notice No.1 served on the adjoining neighbour. The agent provided the SER shown on the left which accords with the SER in the original and

subsequent applications. The Council is therefore satisfied that the application has been administered correctly.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to the conditions below and for the reasons outlined in the delegated report. A total of 7 no. neighbours were notified of the application by letter. Comments were received in relation to an ongoing Party

Wall issue which cannot be resolved through the Planning system as discussed in the delegated report.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

The development hereby approved shall be carried out in accordance with the following drawings and documents received on the 12th of July 2022 or as stated:

Application Form

Proposed Floor Plans 20-0010-20-002 P06

Proposed Elevations 20-0010-99-902 P03

Proposed Floor Plans 20-0010-99-901 P03

Proposed Elevations 20-0010-20-101 P08

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

3 Glencross Avenue, Manchester, M21 9NF
65 Grange Road, Manchester, M21 9NX
1 Glencross Avenue, Manchester, M21 9NF
67 Grange Road, Manchester, M21 9NX
4 Glencross Avenue, Manchester, M21 9NF
69 Grange Road, Manchester, M21 9NX
28 Edward Charlton Road, Firwood, Stretford, M16 0GF

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA