

Application Number	Date of Appln	Committee Date	Ward
113938/FH/2016	16th Sep 2016	15 th Dec 2016	Chorlton Park Ward

Proposal Erection of rear dormer extension to form additional living accommodation

Location 7 Arley Avenue, Manchester, M20 2LQ

Applicant Miss Raana Afsarpour, 7 Arley Avenue, Manchester, M20 2LQ

Description

This is a retrospective application in respect of a partially constructed rear dormer. The application relates to a two storey mid terraced residential property. There are no outriggers to the property which has a small rear yard. The property has a simple dual pitched slate roof.

The property is located within the Albert Park Conservation Area. The property itself is located in a residential area adjacent to the Burton Road local centre. To the rear of the application site is a parallel terrace of similar properties, separated from the site by a narrow alley. The end gable of the terrace within which the application property sits abuts Nell Lane from which there are views along the rear alley. No other properties backing onto the alley have rear dormers.

Permission is sought to modify the partially constructed dormer which is located on the rear slope of the roof following concerns raised by officers in respect of the design of the dormer as constructed. The dormer as constructed has a flat roof at ridge height and occupies almost the full width of the roof, wrapping around the retained shared chimney stack. The front face of the dormer is set back 0.8 metres from the eaves along the slope of the roof. The faces of the dormer would be finished in hung slates to match those on the existing roof. There would be two windows in the rear elevation of the dormer. The dormer would provide a new master bedroom with en-suite.

The replacement dormer would comprise a pair of dormer windows with dual pitched roofs linked by a mansard roof. The ridge height of the dormers would match that of the original house and they would have a hung slate finish. Three windows would be provided in the rear elevation, one in each dormer and the other in the mansard.

Consultations

Elected Members

Councillor John Leech has expressed an interest in this application, although he has not formally commented on the scheme.

Local Residents

One letter has been received supporting the application in its original form.

Two letters have been received objecting to the proposed development. The grounds for objecting are summarised below.

- The properties only have small rear yards and the dormer will result in overlooking from an elevated position of the properties to the rear and a consequential loss of privacy.
- Due to the close proximity of the properties any enlargement of the roof will result in a loss of daylight and overshadowing.
- The dormer would be incongruous as there are no others overlooking the alley.
- It is thought that the dormer does not comply with the Building Regulations.
- The dormer is highly visible from Nell Lane.
- The dormer spoils the lines of the houses.
- Extensions to properties within the Conservation Area ought to respect its heritage.

West Didsbury Residents Association

The association unanimously resolved to raise no objections to the application.

Policy

The relevant Core Strategy policies are DM1 and EN3.

Policy DM1 is relevant as it is a general policy that relates to most developments and seeks to protect the amenity of an area from the adverse impact of development. Of particular relevance to this application are the need for appropriate layout, form, massing, materials and scale and the effects relating to the built heritage.

Policy EN3 is relevant as the application site is located within the Albert Park Conservation area. The policy states that “throughout the City, the 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.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Unitary Development Plan

The relevant saved Unitary Development plan policies are DC1 and DC18.

Policy DC1 is relevant to this application as it sets down the criteria to be considered in determining applications for residential extensions. Whilst there is no specific guidance in respect of dormers, the policy highlights the need to allow people to

extend their homes to meet their changing needs, and the need to protect the character of the area and the amenity of adjoining residents.

Policy DC18 is relevant as the application site is located within the Albert Park Conservation Area. The policy says that “the Council will give particularly careful consideration to development proposals within Conservation Areas. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues, amongst others:

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

The impact of the proposed development in respect of these policies will be addressed in the following sections.

National Planning Policy Framework (NPPF)

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: “Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

Paragraph 126 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 128, requires developers to identify any heritage assets which may be impacted by a proposed development and describe its significance, including any contribution to that significance that may be made by the asset’s setting. The level of detail should be proportionate to asset’s significance and should allow the planning authority to understand potential impacts to that significance. Paragraph 129 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Legislative Requirements

Section 72 of the Listed Buildings Act provides that in exercise of the power to determine planning applications for land or buildings within a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Principle

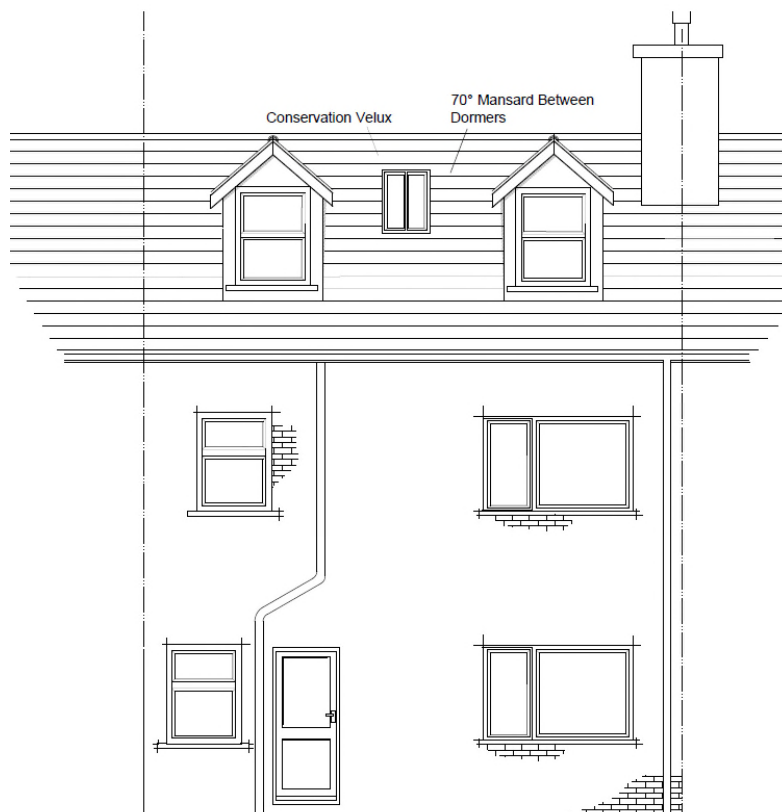
Saved Unitary Development plan policy DC1 establishes the principle of extending a property to meet the changing needs of the occupiers. However, the means and extent to which this can be achieved is tempered by issues such as design, location and impact of a proposal on both the character of the area, particularly when the area is designated and the amenity of residents.

Permitted development

Had the property not been located within the Albert Park Conservation Area the dormer would have been permitted development and an application for planning permission would not have been required. However, the General Permitted Development Order specifically excludes dormers in Conservation Areas from being permitted development even though they are only permitted in other circumstances when they are on the rear elevation of a property. From this it can be concluded that even though the dormer is at the rear of the property the elevated position gives it greater potential for adversely impacting on the character of the Conservation Area.

Design

Whilst the use of hung slates would help integrate the dormer into the roof, concern is expressed that the installation of a large overly complex design into the existing unbroken, apart from chimneys, roofscape would have a significant impact on the appearance of the property. This impact would be more significant due to there being no precedents for any dormers in the immediate area. On balance it is considered that the design of the proposed dormer fails to achieve the high standard of design required to enhance or preserve the character of the host property and therefore conflicts with Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policy DC18.



Proposed Rear Elevation

Scale and massing

There are no precedents for any form of dormer on the properties in the immediate area and consequently any dormer would appear to be visually intrusive. In respect of the proposed dormer, the proposal is particularly intrusive, as it occupies a substantial part of the width of the property and has a deep front elevation. It is therefore considered that the proposed dormer is excessively large, particularly in view of the small size of the host property. The proposed development therefore conflicts with Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policies DC1 and DC18.

Impact on the Character of the Conservation Area

The potential for inappropriate dormers having a significant adverse impact on the character of Conservation Areas is reflected in the removal of dormers from the list of permitted developments for which planning permission is not required. In this case it is considered that the rear roof pitch of the terrace is highly visible and uncluttered and that the introduction of a dormer, particularly such a large one, would fail to preserve or enhance the character of the Conservation Area. The proposed dormer is therefore contrary to the provisions of Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policies DC1 and DC18.

It is also considered that the proposed dormer window fails to meet the tests set by the National Planning Policy Framework in relation to the impact on the character of the Conservation Area and it is considered that the proposal would cause substantial harm to that character of the Conservation Area



Residential amenity

The closeness of the rear elevations is such that there is the potential for at least the perception of overlooking and a loss of privacy from the dormer. However, if the site was not in a Conservation Area, the dormer would be permitted development and not require planning permission, making a reason for refusal of permission based on loss of privacy difficult to sustain.

Enforcement Action.

Should planning permission be refused and the applicant decline to remove the dormer then it would be necessary to take enforcement action to secure the removal of the structure. It is not considered that the dormer could be modified in a manner that would make it acceptable.

Conclusion

Whilst on the rear elevation, the dormer is particularly visible due to both its location and its size and it is considered that it would have an unacceptable impact on the character of the Albert Park Conservation Area. The development therefore conflicts with Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policies DC1 and DC18.

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 the right to a fair hearing and to this end the Committee 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 Head 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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE AND ENFORCE

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Reason for recommendation

1) Due to its design, scale and massing and prominent position in an area where rear dormers are not an established feature of the street scene, the dormer window results in an overly dominant and visually obtrusive feature within the street scene, to the detriment of the general character of the property and the visual amenity of the Albert Park Conservation area within which it is situated. The proposal is therefore contrary to Policies SP1, DM1 and EN3 of the Core Strategy and Saved Policies DC1 and DC18 and guidance within the National Planning Policy Framework.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 113938/FH/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

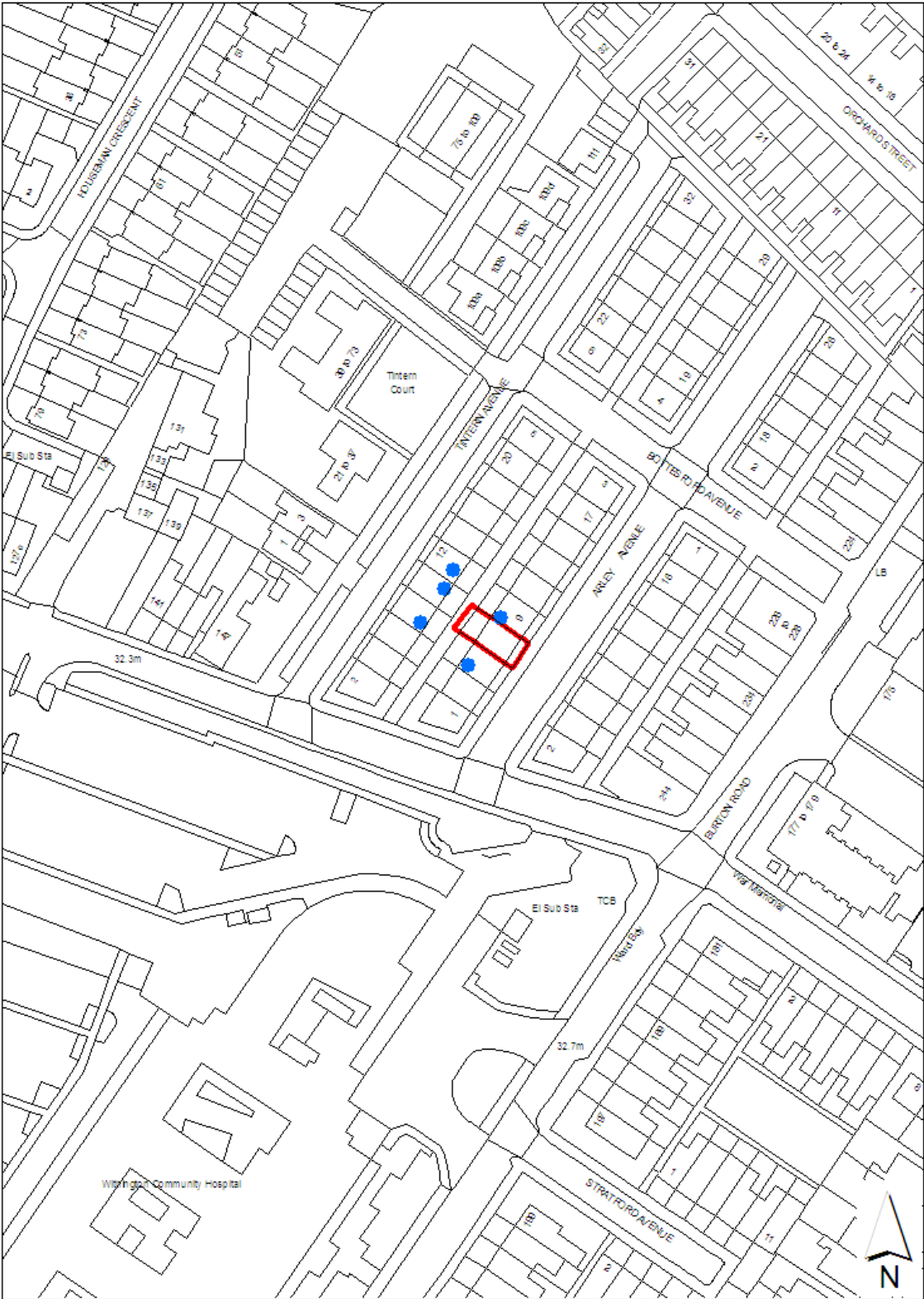
West Didsbury Residents Association


A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

West Didsbury Residents Association
10 Tintern Avenue,
7 Stratford Avenue
15 Arley Avenue

Relevant Contact Officer : Dave Morris
Telephone number : 0161 600 7924
Email : d.morris@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2016. Ordnance Survey 100019568