

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b> | <b>Ward</b>        |
|---------------------------|----------------------|-----------------------|--------------------|
| 136541/FH/2023            | 7 April 2023         | 6 July 2023           | Chorlton Park Ward |

**Proposal** Installation of a rear dormer together with 4 x no. roof lights to front elevation and replacement glazing to roof of existing single storey side and rear extension.

**Location** 35 Whalley Avenue, Chorlton, Manchester, M21 8TU

**Applicant** Mr Gareth & Mrs Sophie Toms

**Agent** Mrs Paula Butterfield Groves, Butterfield Architecture Ltd

### **Executive Summary**

The applicant is seeking permission for the installation of a rear dormer together with four rooflights to the front elevation and replacement glazing to the roof of the existing single storey side and rear extension to provide additional living accommodation for a family dwellinghouse. The property is not listed, nor is it located within a conservation area.

Five neighbouring dwellings were notified of the proposed development and eight letters of objection were received. The key issues that were raised were concerns relating to the proposal's impact upon visual and residential amenity. These are fully considered within the main body of the report.

### **Description**

The application site is located along a residential street consisting of terraced dwellinghouses. Whalley Avenue is located off Sandy Lane and is bordered to the south by Cleveleys Avenue Allotments. Situated within the Chorlton Park ward of Manchester, the property benefits from its proximity to Chorlton District Centre which possesses an abundance of bars, restaurants, and shopping facilities, as well as outdoor green spaces.

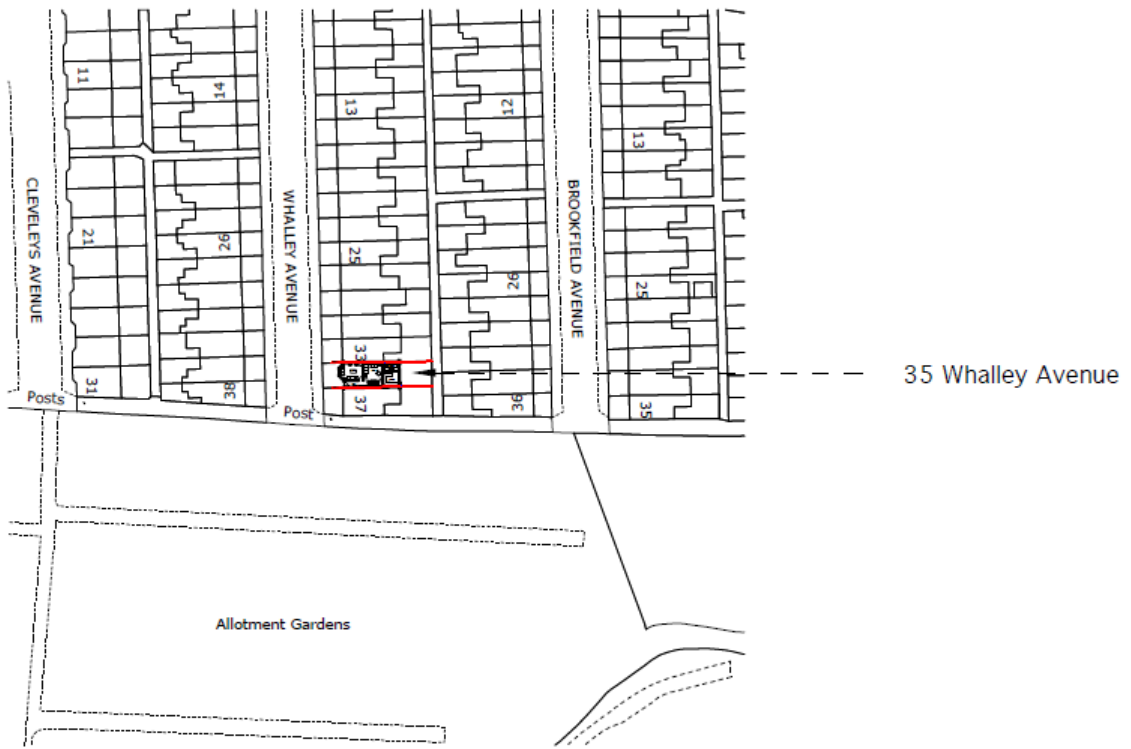


Figure 1. Submitted location plan with site edged in red.

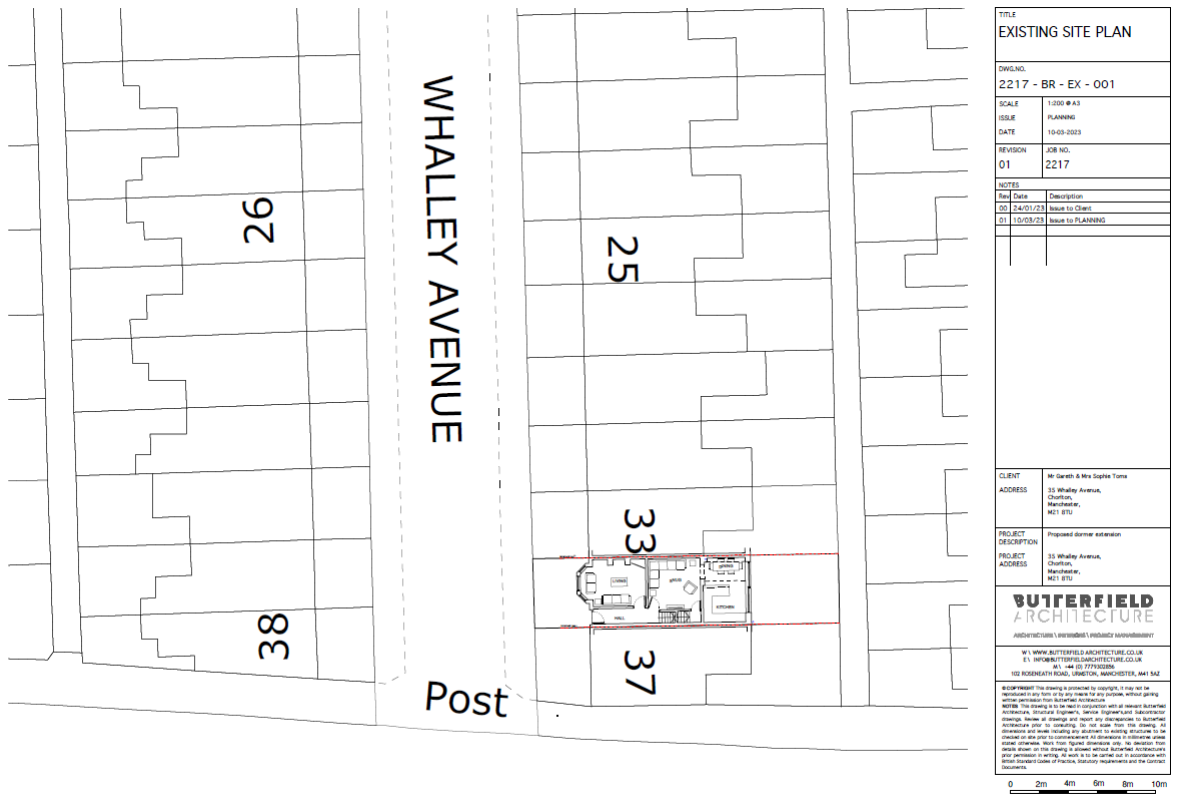


Figure 2. Submitted plan of the proposed site of development, edged in red.

The application relates to a two-storey mid-terraced C3 dwellinghouse of redbrick with a slate tile dual pitch roof. The property is painted white at ground floor level on its principal elevation and features white k-rend and timber panelling to its rear. The property also features white uPVC windows to the front, including a ground-floor bay, black aluminium windows to the rear, a front porch canopy, a modest front garden, a two-storey rear outrigger, a single storey side and rear extension and a paved rear garden / yard.

Both the front and rear gardens feature boundary treatment with the front garden being bordered by a low-level redbrick wall, gateposts and black iron gate and the rear garden being bordered by a mid-level redbrick wall to the shared boundaries and a high-level redbrick wall to the rear alleyway. The neighbouring plots on Whalley Avenue are of a similar size and shape as the application site.

The applicant is seeking permission for the installation of a rear dormer together with four rooflights to the front elevation and replacement glazing to the roof of the existing single storey side and rear extension. The works would provide additional living accommodation in the form of a third bedroom, ensuite half-bathroom, storage area and study / fourth bedroom.

### **Planning History**

118793/FH/2018 - Erection of a single-storey rear extension and elevational alterations to rear – **Approved** (14.03.2018).



*Figure 3. Principal elevation of property.*



*Figure 4. Rear view of property.*



*Figure 5. Rear garden.*



*Figure 6. Rear roof of property.*

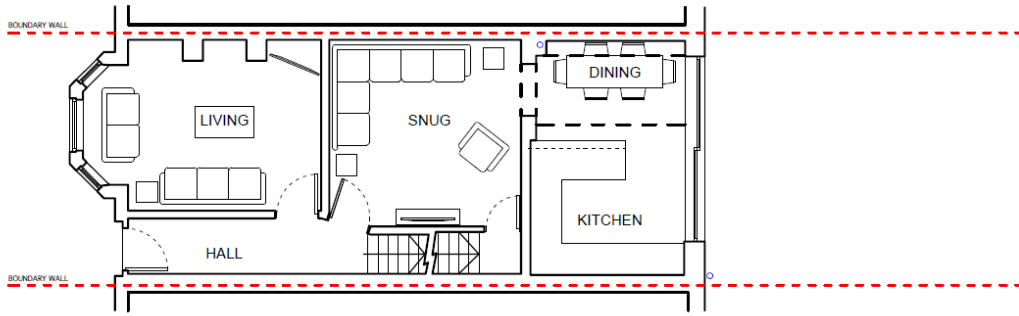


Figure 7. Submitted existing ground floor plan.

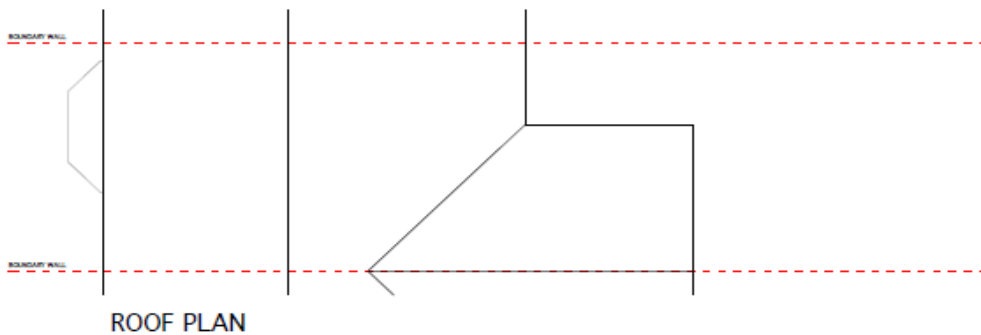
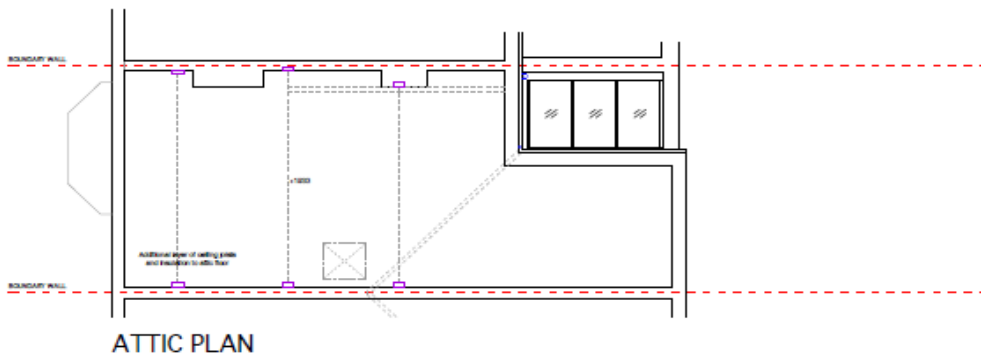
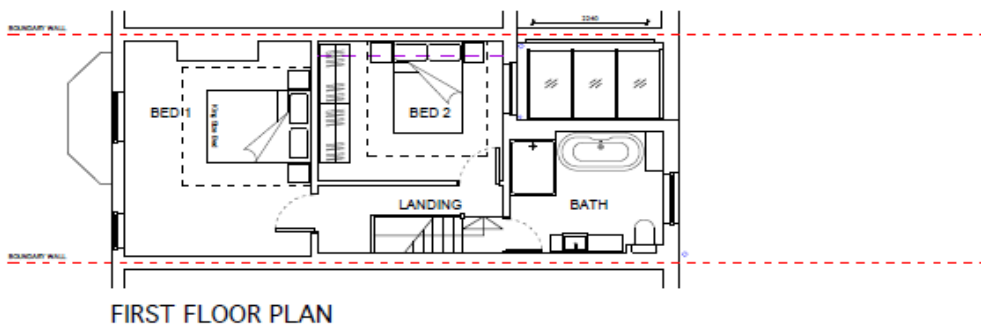


Figure 8. Submitted existing first floor, attic, and roof plan.

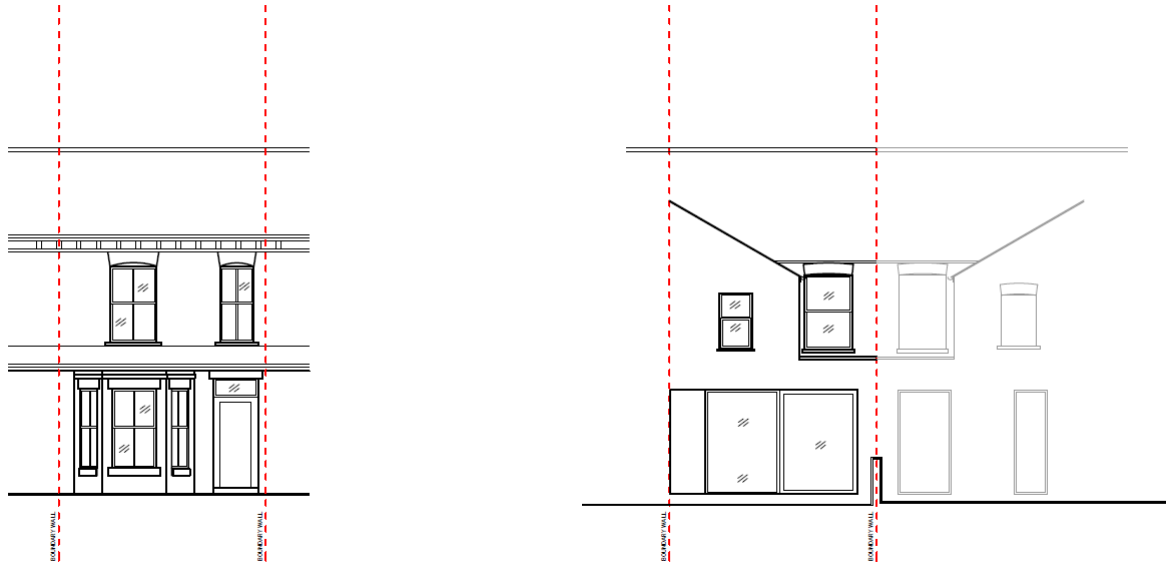


Figure 9. Submitted existing front and rear elevations.

## **Consultations**

Eight letters of objection were received from seven local residents from six different address points. Their concerns are summarised as follows:

- Inappropriate form – a box dormer occupying the main roof slope would be more acceptable than an L-shaped dormer occupying the outrigger roof slope.
- Scale and massing of the dormer would not be suitable for the property or the surrounding street.
- Concerns relating to loss of light (due to the raised outrigger ridge line) which would negatively affect the rear gardens of neighbouring properties, as well as properties located to the immediate north.
- Loss of light would result in increased energy use for those properties affected due to an increased demand for light and heat, negatively impacting finances as well as the environment.
- Privacy issues for the opposing properties along Brookfield Avenue as well as neighbouring terraces.
- Concerns relating to works to the party wall.
- The dormer would not be in-keeping with others present in the area. No other property possesses an L-shaped dormer on Whalley Avenue or Brookfield Avenue.
- The dormer would not preserve or reinforce the local distinctiveness of Whalley Avenue and the surrounding avenues in this area of Chorlton Park.
- The design is not sympathetic to surrounding properties which are of traditional Victorian brick with sash style windows. Its contemporary design would not be in-keeping or appropriate, representing a visually obtrusive addition to the property.
- Would introduce an intrusive roof line, negatively affecting the rear appearance of the properties along Whalley Avenue.
- The dormer would represent a discordant addition to the house and area.



## Policies

### **The Core Strategy Development Plan Document (2012-2027):**

The "Core Strategy" was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

**Policy SP1: Spatial Principles** – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

**Policy DM1: Development Management** - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: -

- Appropriate siting, layout, scale, form, massing, materials, and detail.
- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

### **Unitary Development Plan for the City of Manchester (1995):**

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant and are relevant to consideration to the proposed extension to a residential dwellinghouse.

**Policy DC1** of the Unitary Development Plan seeks to accommodate the demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. It relates specifically to residential extensions and the relevant criteria from this policy include:

**DC1.1** The Council will have regard to:

- a. The general character of the property
- b. The effect upon the amenity of neighbouring occupiers
- c. The overall appearance of the proposal in the street scene;
- d. The effect of the loss of any on-site car-parking

**DC1.2** states extensions will be allowed subject to:

- a. They are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings)
- b. They do not create a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. They would not result in the loss of off-street parking Policy

**DC1.3** states that Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

**DC1.4** In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

**DC1.5** The Council will consider on their merits exemptions to the above policies in

the case of applications from disabled people who may require adaptations to their homes.

**Guide to Development In Manchester:**

The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development appropriate to Manchester. It seeks to retain the essential distinctiveness of its character areas, whilst not precluding new development.

**National Planning Policy Framework (2021):**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF was updated in July 2021 and provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e., the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**Other Legislative requirements:**

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.

## Issues

Policies SP1 and DM1 of the Manchester 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 Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

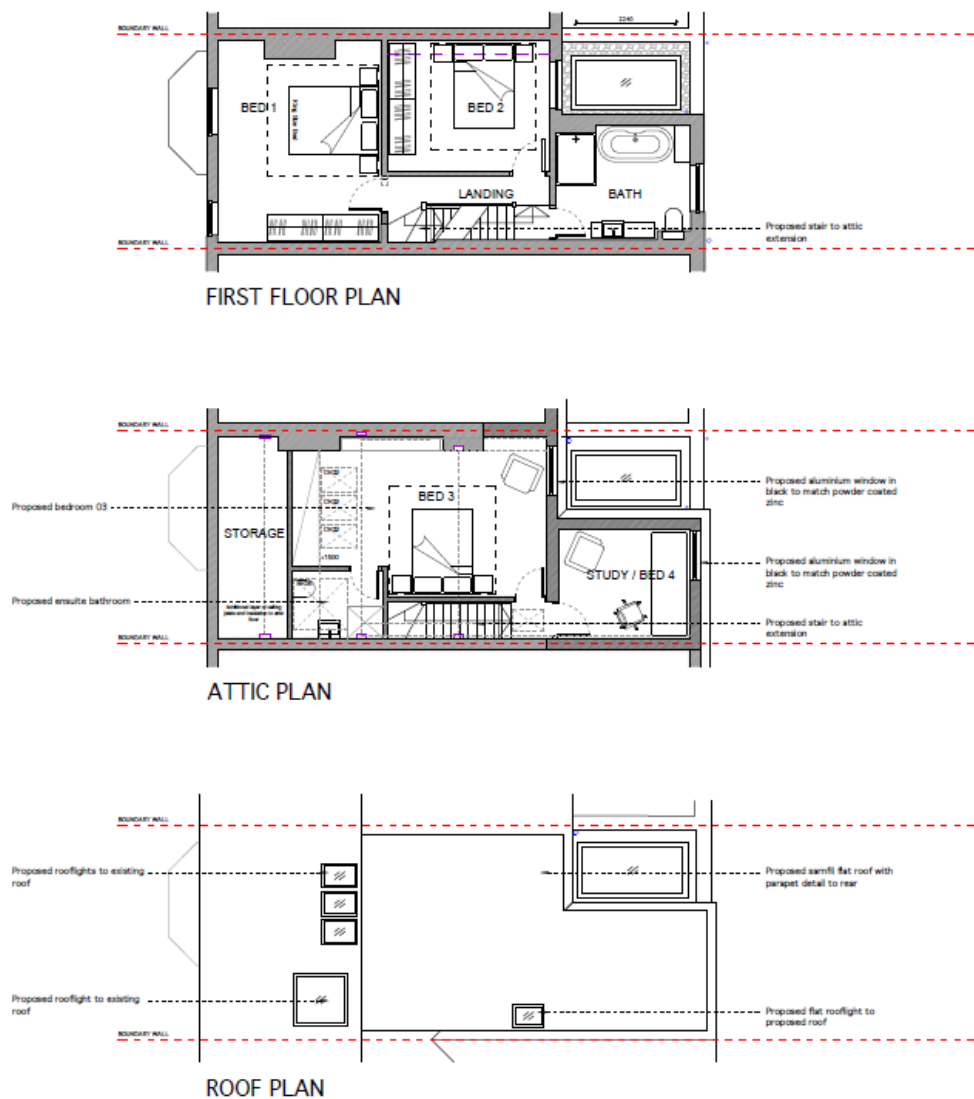


Figure 10. Submitted proposed first floor, attic and roof plan.

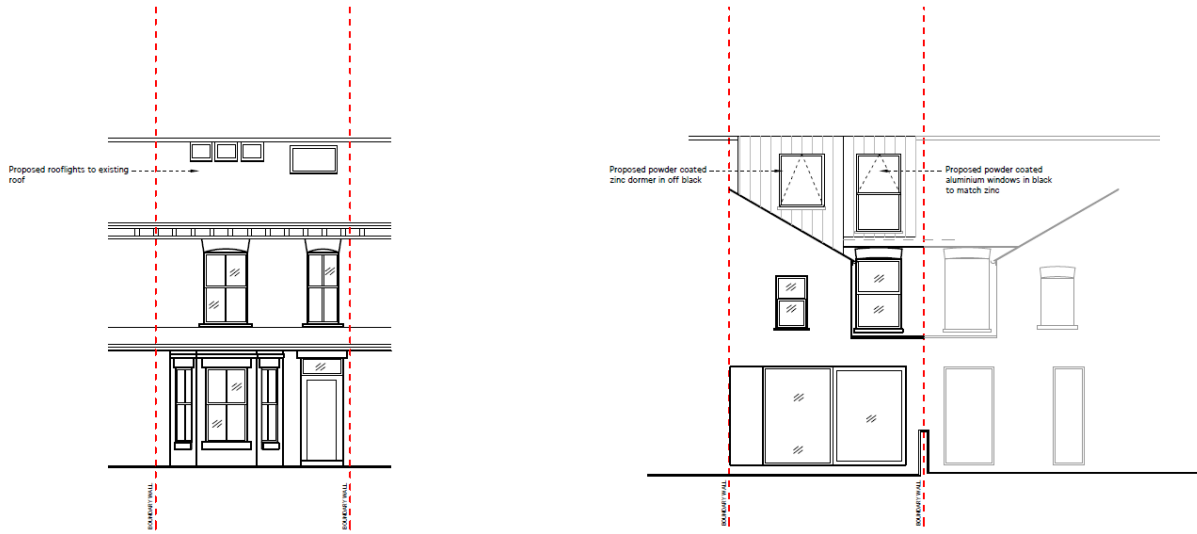


Figure 11. Submitted proposed front and rear elevations.

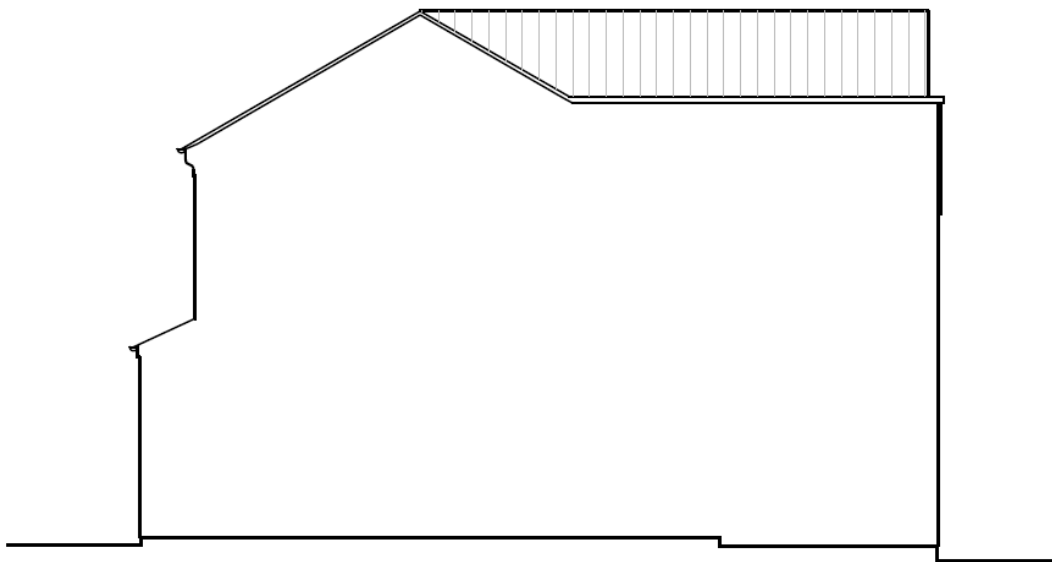


Figure 12. Submitted proposed south side elevation.

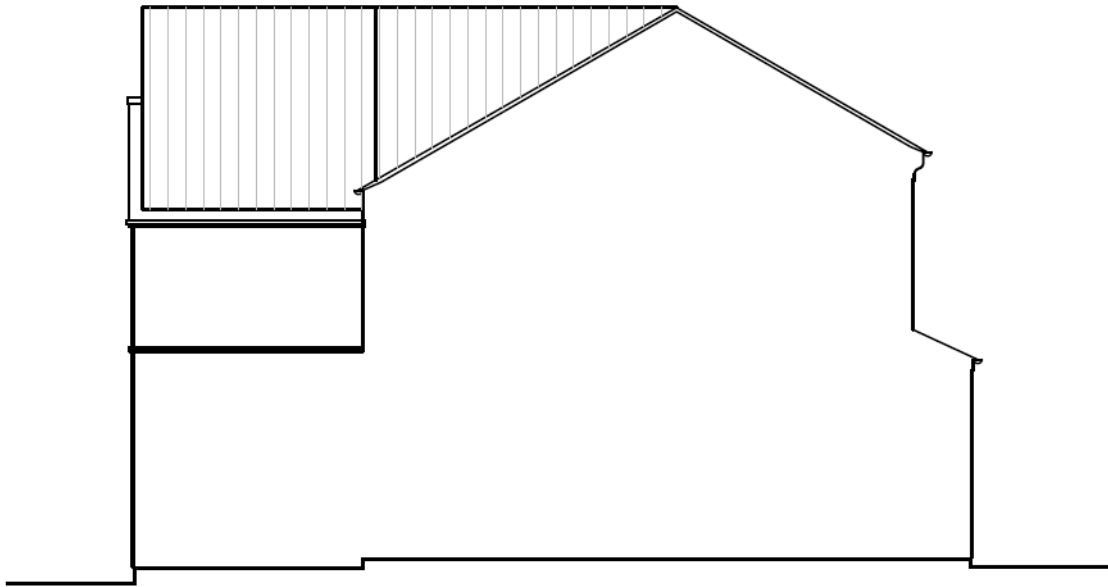


Figure 13. Submitted proposed north side elevation.

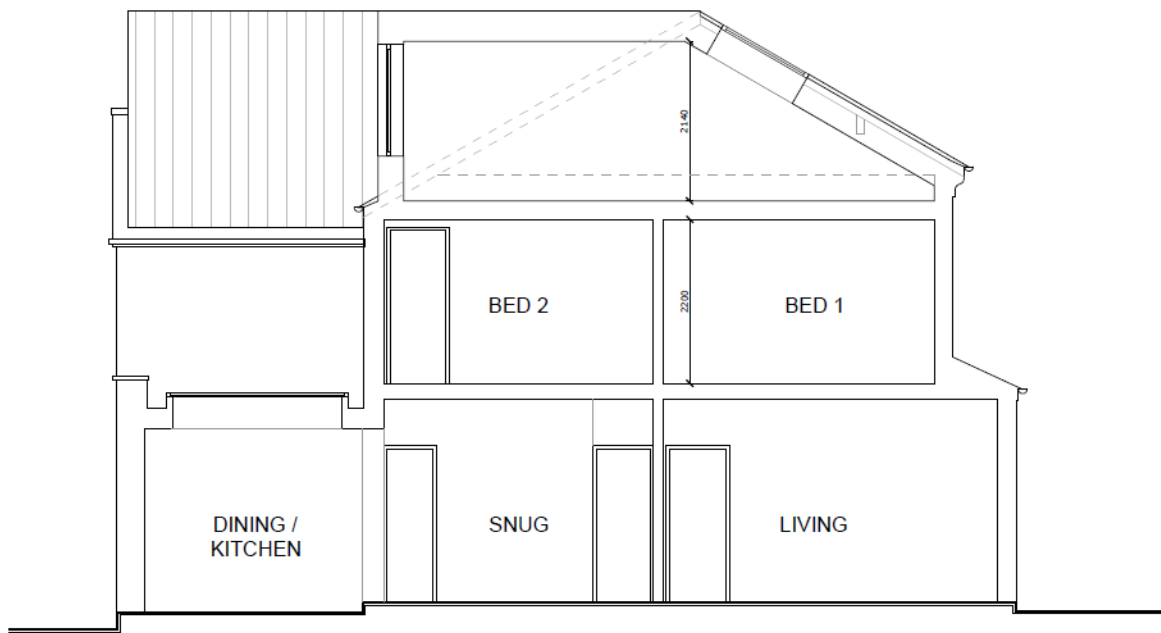


Figure 14. Submitted proposed section.

**Principle** – the principle of installing a rear dormer together with four rooflights to the property’s front elevation and replacement glazing to the roof of the existing single storey side and rear extension in order 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 L-shaped dormer would be sited within the main rear slope and outrigger slope of the property, providing an additional roof volume of approximately 25.97 cubic metres. Within the main roof slope, the dormer would be set at the same height as the existing ridge line, projecting 4.328m rearwards, with a width of 4.366m, height of 2.481m and would leave a gap of approximately 0.346m to the eaves. The portion of the dormer which would extend onto the property's outrigger roof slope would project 7.66m rearwards, with a width of 2.589m and height of 2.9m. This portion of the dormer would also be set at the same height as the ridge line of the main roof, however, would extend 1.288m above the ridge line of the outrigger roof. A gap of approximately 0.315m would be maintained to the eaves. The proposed dormer would also leave a gap of 0.216m to the boundary shared with No.33, a gap of 0.194m to the boundary shared with No.37 and would be set in 0.196m from the edge of the outrigger.

Local residents raised concerns in relation to the dormer's 'inappropriate' siting, scale, and massing. However, a dormer window of the same size could be erected under permitted development rights, with the choice of materials being the only issue which means that planning permission is required. This form of roof intervention is commonplace at the rear of houses with other smaller dormer window extensions within this row of properties. The scale and mass is considered to be acceptable.

**Appearance and visual amenity** – the property is not located within a conservation area, nor is it a listed building. The street on which it sits is comprised of opposing rows of terraced properties which present a relatively uniform appearance in terms of their street-facing elevation and possess a variety of more individualised, heterogenous residential extensions and additions to the rear. It should also be noted that there is a particular precedent for rear dormers along this street as well as the surrounding terraced streets including: Cleveleys Avenue, Brookfield Avenue, Beechwood Avenue, and Limley Grove.

The proposed rear dormer would feature a sarnfil flat roof with parapet detailing to the rear and one flat skylight and would be faced with powder coated zinc cladding in off-black with black aluminium framed windows (to match those already existing on the rear elevation). The side elevations of the dormer are to be blank and featureless, whilst its rear elevation would feature two windows.

A number of local residents raised concerns relating to the dormer's proposed materials, suggesting that the zinc cladding would not be sympathetic to the appearance of the host dwellinghouse or its surrounding properties. These residents felt that the design of the dormer would not be in-keeping with other dormers present in this locale, which are predominantly box-shaped, rather than L-shaped, and suggested that the proposed dormer, by reason of its 'intrusive' roof line would represent a discordant, visually obtrusive addition to the property which would negatively affect the visual amenity and character of the area

However, it is the Council's view that the design of the dormer is relatively standard for developments of this type as many dormers utilise contemporary materials in

order to modernise the appearance of a property. It should also be noted that the rear elevation of the host dwellinghouse already presents a more modern appearance through the implementation of planning permission 118793/FH/2018. The contemporary design of the proposed dormer would therefore be in-keeping with the current appearance of the rear of the property.

Moreover, though the properties along Whalley Avenue currently possess box-shaped dormers rather than L-shaped dormers, comparable dormers do exist elsewhere in this locality, for example those present at No.12 Beechwood Avenue, No.22 Beechwood Avenue, No.9 Brookfield Avenue, No.42 St Annes Road, No.45 St Annes Road and No.14 Limley Grove, as well as a number of L-shaped dormer approvals under planning applications 106721/LP/2014/S1, 114838/FH/2016, 131529/FH/2021, including one at No.24 Whalley Avenue under 132092/FH/2021. Therefore, the proposed would not be out-of-keeping.

Lastly, though the off-black zinc cladding would not match the existing slate roof of the property, it is considered acceptable as the dormer would be sited at the rear of the property and, as such, would not be readily visible within the street scene or public realm, other than at specific viewpoints within Cleveleys Avenue Allotments. The overall character of the area should therefore not be significantly harmed by these works. It should also be noted that the application site is not situated within a conservation area, nor is it a listed building.

The design and appearance of the proposed development therefore accords with Core Strategy policies DM1 and EN1 and chapter 12 of the NPPF as its impact upon visual amenity is considered to be minor.

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

A number of local residents raised concerns relating to the rear dormer's windows and their potential to overlook neighbouring gardens and properties, thus infringing upon their privacy. However, it is considered that, due to their setback from the eaves, these windows would provide no further degree of overlooking than any existing rear windows at first floor level and, as such, should not compromise the privacy of neighbouring occupants to the degree that would warrant refusal of this application.

Local residents also raised concerns relating to the dormer's potential to cause an undue loss of light for neighbouring residents and the resulting financial and environmental impact such a loss would cause. In terms of loss of daylight and overshadowing, it is understood that such affects would be limited given the orientation of the property and the proposal's siting on the roof (at the same height as the existing ridge line of the main roof). Thus, whilst there may be some overshadowing and loss of daylight at certain times of the day, this is not considered to be significant enough to warrant the refusal of this application, particularly given



the fallback permitted development position whereby a dormer window extension with the same dimensions could be erected under permitted development rights.

**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 matters** – the proposal also includes the installation of four rooflights to the front facing roof of the property. This alteration is considered to be permitted development not requiring planning permission and, as such, has not been considered in the assessment of this proposal.

The proposal also includes replacement glazing to the roof of the existing single storey side and rear extension (approved under 118793/FH/2018). This alteration is considered acceptable given its minimal impact upon visual and residential amenity as well as its similarities to the current roof of the extension.

A local resident raised concerns relating to the proposal's potential to affect the party wall. It should be noted that any potential damage caused would be regarded as a civil legal matter governed by separate legislation and would not represent a material planning consideration, which would warrant the refusal of this application.

**Conclusion** – given the above issues, it is considered that the proposed dormer and additional alterations are acceptable in terms of their principle, siting, scale and massing, appearance, and impact upon existing levels of visual and residential amenity as well as waste storage and parking as they broadly comply 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 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 polices 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 of the application 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 documents labelled:

- 'PROPOSED FIRST FLOOR, ATTIC & ROOF PLAN', numbered '2217-BR-PR-101 REV 02', stamped as received by the City Council as Local Planning Authority on the 22nd March 2023.

- 'PROPOSED SECTION A-A', numbered '2217-BR-PR-300 REV 02', stamped as received by the City Council as Local Planning Authority on the 22nd March 2023.

- 'PROPOSED FRONT AND REAR ELEVATIONS', numbered '2217-BR-PR-200 REV 03', stamped as received by the City Council as Local Planning Authority on the 7th April 2023.

- 'PROPOSED SOUTH ELEVATION', numbered '2217-BR-PR-201 REV 03', stamped as received by the City Council as Local Planning Authority on the 7th April 2023.

- 'PROPOSED NORTH ELEVATION', numbered '2217-BR-PR-202 REV 03', stamped as received by the City Council as Local Planning Authority on the 7th April 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.

### **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: 136541/FH/2023 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:**

37 Whalley Avenue, Chorlton, Manchester, M21 8TU  
33 Whalley Avenue, Chorlton, Manchester, M21 8TU  
36 Brookfield Avenue, Manchester, M21 8TX  
34 Brookfield Avenue, Manchester, M21 8TX  
32 Brookfield Avenue, Manchester, M21 8TX

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

**Relevant Contact Officer :** Holly Wright  
**Telephone number :** 0161 219 6381  
**Email :** [holly.wright@manchester.gov.uk](mailto:holly.wright@manchester.gov.uk)

