

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 131193/FH/2021

**Date registered valid:** 19 August 2021

**Proposal:** Erection of single storey side and rear extension and installation of rear Juliet balconies to upper floor rear windows

**Address:** 3 Langdale Avenue, Manchester, M19 3NT

**Ward(s):** Levenshulme Ward

**Applicant:** Imrain Hussaine 5 Riverway, Auckley, Doncaster, DN9 3LA

**Agent (if any):** Mr Jonathan Arnold Arnold Planning Ltd 5B Riverway, Auckley , Doncaster, DN9 3LA

**Case officer:** Harriet Aidoo  
Tel: 0161 234 4532  
Email: harriet.aidoo@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 14 March 2022

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 21 September 2021

### **Standard consultations:**

Printed: 24 August 2021    Expired: 14 September 2021

### **Neighbour notifications**

Printed: 8 February 2022    Expired: 22 February 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**

**Listed building:** Not applicable

**Conservation area:**

**Tree Preservation Order:**

## **Description of site / building / area**

The application relates to a two-storey mid-terrace, dwellinghouse of the Victorian era in Levenshulme ward, with relatively small amenity space along the front and rear elevations.

There is an existing 2 storey rear outrigger with a single storey lean-to store projecting off it, which serves as an outside storage facility . The existing 2 storey rear outrigger forms a ground floor kitchen and first floor kitchen and bathroom, leaving approximately 1.2 metre gap to the common shared boundary with no. 1 Langdale Avenue. There is boundary treatment along this elevation, comprising in-part of a brick wall and privet hedge, approximately 1.8 metres high.

The rear yard extends approximately 3.9 metres wide by 4.2 metres deep - (measured from the rear building line of the existing "store").

The rear of the application property where development is proposed is north-facing. The site is bounded by predominantly residential properties to the east, a gated alleyway immediately behind its northern boundary and flats to the west. The site can be accessed approximately 35 metres south-west from Stockport Road via Crayfield Road and Delamere Road. Due to being

within close proximity to Levenshulme District Centre, the surrounding area is a mix of residential, commercial and retail uses.

### **Description of development**

The submitted proposal relates to erection of single storey side and rear extension and installation of rear Juliet balconies to upper floor rear windows.

The agent was advised early on during the planning application process that there were concerns with the initially submitted information, in particular :-

- o The submitted plans indicated the existing use as two flats. It was therefore advised the planning application had been completed using incorrect forms. It was advised the application is withdrawn and a new application submitted on the correct forms.

- o The plans were annotated as "boundary wall" along the common shared boundary with no. 1 Langdale Avenue. This description did not accurately describe the existing boundary treatment.

- o It was further advised that the proposed rendered finish to the elevations would be out of character with the original dwellinghouse.

- o It also appeared there was an anomaly with the submitted plans; specifically, DRAWING NO: 100048.04 and DRAWING NO: 100048.03 in terms of the depth of garden that would be retained. Clarification was sought regarding the depth of rear garden that would be retained. Given this inconsistency and the proposed scale and massing impact along the side boundaries, and lack of a solid boundary treatment in-part along the 1 Langdale Avenue elevation, the applicant was requested to reduce the depth of the rearward projection.

- o Clarification was sought regarding an anomaly on DRAWING NO:100048.00 - Proposed Rear Elevations, as the Juliet balcony detail was missing from the side facing / gable elevation plan.

- o It was noted Certificate B had been completed, however, confirmation was sought that the proposed works would not undermine footings and the party wall along the rear of nos. 1 and 5 Langdale Avenue.

- o In terms of air quality and odours, clarification was sought as there was no detail regarding extraction hood in the kitchen and where it would be ducted; guttering arrangement.

Revised plans were subsequently submitted, and clarification provided, (dated, 08/02/2022) and (correspondence from agent dated, 08/10/2021, 20/12/2021).

The revised proposal would be stepped away approximately 100mm from the common shared boundary with no.1 Langdale Road. The proposed development would in-fill the space between the existing side gable of the rear outrigger and this boundary (approximately width 1330mm) x (maximum height 3552mm). This element of the proposed scheme would extend to the rear elevation of the existing rear outrigger and incorporate a pitched roof. A rear extension is proposed to the existing rear outrigger which would also extend across the infill extension elevation along the side gable of the existing outrigger, following the demolition of the existing external store.

It proposed rear extension would be further 3000mm in depth x width 4527mm x maximum height 3391mm, incorporating a flat roof configuration and roof lantern, including bi-fold doors along the rear elevation.

The proposal would also comprise of elevational alterations involving replacement of 2 upper floor windows with larger openings, and installation of rear Juliet balconies to those openings.

In terms of external facing materials for the extension, the revised plans indicate brickwork to match, rather than the initially proposed rendered finish .

## **Consultations & Notification Responses**

### **1. Local residents**

Occupiers of properties surrounding the application site were notified of the proposal. Two emails were received from local residents expressing concerns from perceived overlooking from the proposed Juliet balconies, on the basis of an increased use of the upstairs windows, and the potential to use the flat roof of the rear extension could be used for socialising using the Juliet balcony for access.

Another resident raised concerns that the described of the shared boundary was not accurate , and they are of the view that originally submitted drawings don't reflect accurately the existing buildings (both 1 & 3 Langdale Ave). There's small outrigger with a window in it that's not been shown on the drawings, which they believe is referred to as a 'Manchester or Yorkshire skylight'. There is a set of French doors on the back of number 1 Langdale Avenue which are not shown on the plan. They further advise that the French doors and skylight allow light into the property. They also advised that there was little detail about the eaves height of the proposed extension, and no detail about the appearance of the face brick on the west elevation of the proposed extension. They feel that the propped extension could affect daylight and sunlight, as well as overshadowing of number 1 Landgale Avenue.

They also raised concerns about the type of glass to be used in the roof lantern of the rear extension, together with possible loss of privacy for the 2 back bedrooms at number 1 Langdale; and that the roof lights in the mono pitch roof to the side of the existing outrigger could cause a loss of privacy to the adjacent property.

In addition concerns were expressed in regard to the potential for any foundations to undermine the party wall / rear elevation of the adjacent properties, and that the lack of detail for the guttering arrangement for the west facing mono pitched roof, and for the potential need for an extraction hood in the kitchen, and where this would be ducted.

Neighbours were re-notified following revised plans. A further email was received from a resident who also commented on the originally submitted plans reiterating their concerns that that the proposed Juliet balconies would give rise to overlooking of their garden and the children's bedrooms. Furthermore, that the incorporation of the balconies implies greater use of the windows for viewing the surroundings and possible use of the rear extension as a balcony.

### **2. Environmental Health**

No comments regarding application.

## **POLICIES**

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

2. The Manchester 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.'

The following policies are relevant to the proposed development:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- o Saved Policy DC1 for Residential Extensions is still considered of relevance.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

- i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principles have been satisfactorily incorporated into the development.
- ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

## **ISSUES**

### **Principle of development**

The principle of the proposal is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity of the residents adjacent to the proposed works to the dwellinghouse.

### **Residential and visual amenity**

**Impact of works ( single storey rear extension) -** Given the existing contextual relationship along rear elevation and side boundaries, and that the proposed extensions would be single storey, contained within the existing curtilage of the dwellinghouse, it is not considered that there would be a significant adverse impact to residential and visual amenity in relation to the massing of the proposed extensions in relation to the neighbouring houses, specifically; nos. 1 and 5 Langdale Road, and those properties along the rear elevation along Delamere Road. In addition, given the proposed roof configuration the proposed extension is considered, on balance, to be acceptable in terms of its impact on residential amenity as there are no overbearing or overshadowing impacts. Furthermore, the proposed maximum rearward projection at 3000mm is in line with the guidance set out in saved policy DC1 regarding rearward extensions. However, it is recommended conditions are attached requiring samples of the proposed external facing material for the extension to be provided to ensure that the appearance of the development is acceptable; including a requirement that no further extensions, outbuildings or structures are to be erected without the express consent of the Council as the local planning authority. This is considered necessary to safeguard residential amenity given the pre-existing limited depth of rear amenity space, and the proposed space that would be retained.

Furthermore, it is considered that the roof lantern and proposed roof light to the side extension roof slope would not give rise to overlooking issues, and the bifold doors in the rear elevation would be screened in part by the high yard wall forming the northern rear boundary.

**Impact of works (elevational alterations, and proposed Juliet balcony roof)** - The proposal would also comprise of elevational alterations involving replacement of 2 upper floor rear windows with larger openings, and installation of rear Juliet balconies to those openings. The nature of these works would generally constitute general permitted development for the nature of this property as it is not a listed building, or is it near listed assets, or is it in an area of special control, and as such planning permission is not generally required. In regard to concerns about the potential for loss of privacy, the existing glazed areas where the Juliet balconies would be located have not been significantly increased in size, and the Juliet balconies are flush with the rear facade thereby not increasing the angle of view, and would be no closer to houses at the rear than the existing windows in the rear façade at first floor level.

In regard to the concerns expressed regarding access from the Juliet balconies to the existing outrigger elevation at first floor level giving access to the proposed flat roofed extension to the rear, there would be no access from the Juliet balcony feature to the flat roof of the rear extension, and the rear extension would incorporate a roof lantern feature to enable light into the proposed accommodation, and as such would not provide an area to be as external space for the occupiers.

**Impact of works (Design and appearance)** - In terms of external facing materials for the extension, the revised plans, (dated, 08/02/2022) indicate brickwork to match, rather than the initially proposed render. However, it is recommended that a condition is attached requiring samples of the proposed bricks to be provided to ensure that the appearance of the development is acceptable.

**Impact of works (Car Parking / Highways issues)** - The existing arrangement would be unaffected.

**Impact of works (Waste Management)** - The existing arrangement would be unaffected.

**Objectors Comments** - In terms of the objector's comments, in light of the planning issues raised, these have been duly considered above in this report, and there are no material considerations of sufficient weight to warrant the refusal of planning permission. The other comments raised do not fall within planning legislation and would either come under separate legislation such as the Party Wall Act, Building Control Legislation, or civil issues and therefore cannot be considered as part of this planning application.

**Conclusion** - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (July 2021); policies SP1, DM1, EN1, T2 and EN19 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

**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**

In this instance, the initially submitted application has been revised in the interest of residential amenity, (dated, 08/02/2022). The local Planning Authority in its decision has had due regard to the National Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

### **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:

- o Existing Location Plan with application site edged in red, DRAWING NO: 100048.01, received by the City Council as the Local Planning Authority on 28 July 2021.
- o Existing Block Plan with application site edged in red, DRAWING NO: 100048.02 A, received by the City Council as the Local Planning Authority on 08 February 2022.
- o Proposed Block Plan with application site edged in red, DRAWING NO: 100048.03 A, received by the City Council as the Local Planning Authority on 08 February 2022.

- o Existing & Proposed GROUND & FIRST FLOOR PLAN, DRAWING NO: 100048.04A, received by the City Council as the Local Planning Authority on 08 February 2022.
- o Existing & Proposed REAR ELEVATIONS, DRAWING NO: 100048.05A, received by the City Council as the Local Planning Authority on 08 February 2022.
- o Existing & Proposed SIDE ELEVATIONS, DRAWING NO: 100048.06, received by the City Council as the Local Planning Authority on 08 February 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Notwithstanding the materials referred to within the submitted information, revised plans and documents, dated 08/02/2022, 08/10/2021, and 20/12/2021; no above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on external elevations of the extension have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy (2012).

4) 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 development hereby approved other than those stated on:

- o Proposed Block Plan with application site edged in red, DRAWING NO: 100048.03 A,
- o Existing & Proposed GROUND & FIRST FLOOR PLAN, DRAWING NO: 100048.04A,
- o Existing & Proposed REAR ELEVATIONS, DRAWING NO: 100048.05A, and
- o Existing & Proposed SIDE ELEVATIONS, DRAWING NO: 100048.06, all received by the City Council as the Local Planning Authority on 08 February 2022.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

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 outbuildings, sheds or structures shall be erected without permission from the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy to saved policies DC1 of the Unitary Development Plan for the City of Manchester and SP1 and DM1 of the Core Strategy for the City of Manchester.

## **Appendix 1 – List of consultees & neighbours notified**

Environmental Health

7 Langdale Avenue, Manchester, M19 3NT  
28 Delamere Road, Manchester, M19 3NQ  
26 Delamere Road, Manchester, M19 3NQ  
24 Delamere Road, Manchester, M19 3NQ  
22 Delamere Road, Manchester, M19 3NQ  
20 Delamere Road, Manchester, M19 3NQ  
Ground Floor Flat, 5 Langdale Avenue, Manchester, M19 3NT  
5 Langdale Avenue, Manchester, M19 3NT  
First Floor Flat, 5 Langdale Avenue, Manchester, M19 3NT  
1 Langdale Avenue, Manchester, M19 3NT

## **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: NORTH2