

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132751/FH/2022

Date registered valid: 24 January 2022

Proposal: Erection of a part single, part two storey rear extension and rear roof extension to form additional living accommodation

Address: 104 Barlow Road, Manchester, M19 3EF

Ward(s): Levenshulme Ward

Applicant: Mr S. Hanif 72 Longford Road West, Stockport, SK5 6ET

Agent (if any): Mr Stephen Nicholls Richmond Consultants 63 Ellwood Road, Stockport, SK1 4BE

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

Recommendation: Approve

Date of recommendation: 8 March 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 February 2022

Standard consultations:

Printed: 26 January 2022 Expired: 16 February 2022

Neighbour notifications

Printed: 26 January 2022 Expired: 16 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 site is a semi detached dwellinghouse property in a residential part of the Levenshulme ward of Manchester. The property is located in proximity to the junction of Barlow Road with Cromwell Grove, but separated from the junction by a gated alleyway along its southern boundary and approximately 4no. shop units.

The property is an older Victorian era dwelling with a hard-standing amenity space to the front side and rear, along with boundary screening. The existing depth of rear yard is approximately 5.4 metres. There is off street parking for one vehicle, although parking along Barlow Road is generally on street.

The surrounding area is primarily residential with a former public swimming baths facing the site on the corner of Cromwell Grove and a former library immediately to the south of the junction. This section of Barlow Road is a busy residential street with many vehicles parked on the highway.

Description of development

The submitted proposal relates to erection of a part single, part two storey rear extension and a dormer extension to the rear roof slope of the house to form additional living accommodation.

Upon assessment of the submitted information, it would appear that the proposal is a resubmission of the previous planning approval, (ref. no.121294/FH/2018), which has expired. The planning officer's site visit, (dated 07/02/2022) confirmed the previous permission had not been implemented.

The proposal would involve extending the width of existing rear outrigger, with the kitchen/dining area at ground floor level being increased in width by 1.7m, and the bedroom and bathroom accommodation at first floor level by 0.838m. This side extension would not project forward of the existing side gable of the dwellinghouse, retaining a minimum separation distance of approximately 805mm from the common boundary with the alleyway. Along the rear elevation, a single storey pitched roof extension is proposed which would be 2m in depth and extend across the width of the original outrigger, leaving a minimum separation distance of approximately 2215mm from the common boundary with the alleyway. The proposed development would also incorporate one window and door opening along the rear elevation, including 3 window openings along the side elevation, facing the alleyway and with a blank side elevation with the adjacent property no. 106 Barlow Road. The elevations at ground floor would be in part screened by the common boundary fencing/wall.

Along the first floor, it is proposed to extend the width of existing bathroom and rear bedroom by extending the 2-storey rear outrigger forward of the adjacent alleyway approximately width 868mm x length 4240mm x maximum height 5571mm. The first-floor element would have 1 window opening along the side elevation to serve the extended bathroom, facing the alleyway and the blank side elevation with the adjacent property no. 106 Barlow Road, which would be consistent with the existing arrangement.

With regards to the proposed rear dormer, approximately (length 4000mm x depth 3400mm x H 1800mm), it has been stepped away from edges of the existing roof, and set above eaves level. The proposed ridge has been dropped below the ridge of the original dwellinghouse, and would incorporate one window within the rear elevation.

In terms of external facing materials, it is intended to use materials matching the existing house, including cladding the dormer walls in slate.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. 2 objections have been received on the grounds that the proposed development would lead to the loss of sunlight and natural light; the window in the proposed rear dormer would give rise to overlooking and loss of privacy; the development would be out of character with the area, and would lead to the loss of view of Levenshulme Baths.

Concerns have also been expressed regarding the quality of the work that was undertaken during a previous attempt to extend this property , and failure to adhere to rules and regulations regarding carrying out such building works on this property. Planning permission at that time was not applied for and the applicant did not consult them in any way prior to starting work, which they were legally obliged to do in accordance with the Party Wall Act 1996.

They also believe there to be a covenant attached to the leasehold of the property regarding contacting the leaseholders prior to building on the land. With the previous work the foundations that were our neighbours did not heed the advice of the councils building regulations department, the garden wall collapsed into one of the trenches that had been dug, which adversely impacted on their use of their garden . Additionally, the applicant converted part of their front and side garden space in to a drive recently, and yet again did not obtain planning permission prior to carrying out the work. In view of this they raise concerns that care will not be taken when planning or carrying out work to the property.

Furthermore, they believe that if the scheme is granted approval this would set a precedent for other occupiers in the area to do similar works, and if that were to happen then this could potentially greatly reduce the amount of green/garden space in the area along with all the flora and fauna that comes with it. This would obviously be detrimental to the environment in general.

2. Environmental Health

Requirement for a condition relating to a watching brief for contaminated land to be attached to any recommendation for planning approval, as public health records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

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.

- 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 (Residential Extensions) is considered relevant.

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

As previously outlined, the submitted proposal is a resubmission of previous planning approval, (ref. no.121294/FH/2018), which has expired. It has also been confirmed by the planning officer's site visit, (dated 07/02/2022) that the planning permission had not been implemented.

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (part single, part two storey rear extension) - In light of the previous planning approval, (ref. no.121294/FH/2018), and that this application is consistent with that

permission, and there have been no changes to policy since that application was determined , it is considered that the proposal would be acceptable, subject to planning conditions to safeguard residential amenity.

The application property is semi detached dwellinghouse, which benefits from land to the front, side and rear. It is separated by a gated alleyway along its southern boundary and approximately 4no. shop units. The immediate neighbouring properties sharing a common boundary are no. 102 Barlow Road and no. 17 Westminster Street.

The existing depth of rear yard is approximately 5.4 metres. The proposed single storey rear extension would project along the common boundary with no. 102 Barlow Road, is 2m in depth and is limited in width to that of the exiting outrigger . The proposed widening of the existing rigger outrigger would be limited to 1.7m at ground floor level, and 0.838m at first floor level. This side extension would not project forward of the existing side gable of the dwellinghouse, retaining a minimum separation distance of approximately 805mm from the common boundary with the alleyway. As the widening of the existing outrigger , (particularly at first floor level is not significant , and would not project beyond the side gable of the existing house any loss of sunlight/natural light would not be so significant as to warrant refusal of the proposed development. Furthermore, the single storey rearward extension would comply with the guidance in saved UDP policy DC1 in regard to the depth of rearward extensions.

On balance it not considered that the proposal would be unduly overbearing, or give rise to significant overshadowing, nor would there be any adverse impact to privacy as it would be single storey along the rear elevation and the proposed roof design would mitigate any undue massing impact.

In addition, the proposed side facing windows adjacent to the alleyway would be in-part screened by boundary fencing. Notwithstanding this factor, it is anticipated that the proposed bathroom windows along the side elevation would be obscurely glazed in the interest of privacy and it is recommended that a condition be attached to any recommendation for planning approval in the interest of privacy.

Impact of works (rear roof dormer extension) - In terms of the proposed rear roof dormer extension, due to the proposed size; that it would be stepped away from the edge of the roof , and the proposed ridge would be dropped below the ridge of the original dwellinghouse, and it is intended to use matching materials, it would fall within the requirements and limitations to constitute permitted development, and as such, would not generally require an application for planning permission. Furthermore, it is also considered that given the housing density in the area, and due to the fact that the existing separation distance between the immediate property along the rear elevation is (approximately, 10.5 metres - window to window), and that the proposed dormer roof extension would be no closer to the properties to the rear , than the existing rear elevation of the house, and any impacts form overlooking would not be significant. However, it is recommended that the window in the rear dormer be obscured glazed up to 1.7m above internal floor level to safeguard the residential amenity those properties along the rear of the application site are protected.

Design and appearance - In terms of the proposed materials, it is intended that materials would match the existing, and slate cladding is proposed for the rear dormer roof extension. However, a materials condition has been attached to ensure that the materials are adhered to, and as stated on the submitted information.

Waste management - The existing arrangement would be unaffected.

Car parking - The existing arrangement would be unaffected.

Objectors Comments - In terms of the objector's comments the planning issues raised 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 not considered that the proposal would be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity, and therefore, 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 submitted proposal is a resubmission of previous planning approval, (ref. no.121294/FH/2018), which has expired. The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. 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 Householder Application for Planning Permission for works or extension to a dwelling, received by the City Council as the Local Planning Authority 24 January 2022.
- o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority 24 January 2022.
- o Existing Site / Block Plan, Drawing Number 01-22 BR104, received by the City Council as the Local Planning Authority 24 January 2022.
- o Existing Elevations, Drawing Number 01-22 BR101, received by the City Council as the Local Planning Authority 24 January 2022.
- o Existing Floor Plans, Drawing Number 01-22 BR100, received by the City Council as the Local Planning Authority 24 January 2022.
- o Proposed Sections and Elevations, Drawing Number 01-22 BR103, received by the City Council as the Local Planning Authority 24 January 2022.
- o Proposed Floor Plans, Drawing Number 01-22 BR102, received by the City Council as the Local Planning Authority 24 January 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 external facing materials to be used on the extension hereby permitted shall match those of the existing building in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

4) The rear dormer roof extension hereby approved shall be clad in natural slate tiles matching those on the existing roof of the original dwellinghouse and as stated on the approved drawings.

Reason - Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester 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 extensions hereby approved other than those shown on: Proposed Sections and Elevations, Drawing Number 01-22 BR103, and Proposed Floor Plans, Drawing Number 01-22 BR102, both received by the City Council as the Local Planning Authority 24 January 2022.

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

6) Before first occupation of the development thereby approved, the proposed windows along ground and first floor side elevation to serve the first floor bathroom and ground w/c room, as shown on: Proposed Sections and Elevations, Drawing Number 01-22 BR103, and Proposed Floor Plans, Drawing Number 01-22 BR102, both received by the City Council as the Local Planning Authority 24 January 2022, shall be obscurely 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 - In the interest of privacy and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012).

7) Before first occupation of the development thereby approved, the proposed dormer window on the rear elevation, as shown on: Proposed Sections and Elevations, Drawing Number 01-22 BR103, and Proposed Floor Plans, Drawing Number 01-22 BR102, both received by the City Council as the Local Planning Authority 24 January 2022, shall be obscurely glazed to a height of 1.7m above the finished internal floor level 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 - In the interest of privacy and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012).

8) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to policies DM1 and EN18 of the Core Strategy.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

102 Barlow Road, Manchester, M19 3EF
100 Barlow Road, Manchester, M19 3EF
Flat Above, 106 - 108 Barlow Road, Manchester, M19 3EF
Flat Above, 110 Barlow Road, Manchester, M19 3EF
17 Westminster Street, Levenshulme, Manchester, M19 3FE
99 Cromwell Grove, Manchester, M19 3GD
143 Barlow Road, Manchester, M19 3FF
15 Westminster Street, Levenshulme, Manchester, M19 3FE
110 Barlow Road, Manchester, M19 3EF
106 - 108 Barlow Road, Manchester, M19 3EF

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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2