

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133095/FO/2022

Date registered valid: 1 March 2022

Proposal: Insertion of bifold doors to existing rear dormer window and creation of balcony, existing side steel balcony and door to balcony and windows to side elevation to be replaced

Address: Flat 4 , 3 Elm Road, Manchester, M20 6XB

Ward(s): Didsbury West Ward

Applicant: Tori Blakeman Flat 4 , 3 Elm Road, Manchester, M20 6XB

Agent (if any): Jack Burney TDG Unit 5 Waterloo Park Industrial, Stockport, SK1 3BP

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 26th April 2022

Application details

Type of application:	Full Application Consent	
Development type:	Minor Other	
Date of site visit:	19.04.2022	
Standard consultations:	Printed: 4 March 2022	Expired: 25 March 2022
Neighbour notifications	Printed: 4 March 2022	Expired: 25 March 2022
Site notice	Posted: 22.03.2022	Expired: 12.04.2022
Press advert	Published: 15 March 2022	Expired: 5 April 2022
Departure from Development Plan:	No	
Environmental Statement:	Not required	

Description of site/building

The application site relates to a large semi-detached property located along Elm Road in the Didsbury ward area of Manchester. The property, which is within the Blackburn Park Conservation Area, occupies a proportionately large plot in comparison to other neighbouring dwellings on the street with a large amenity area to the front and rear and access along the side. The property has been divided into four flats.



Listed building:	Not applicable
Conservation area:	Blackburn Park Conservation Area 1979
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in character comprising large semi detached and detached dwelling houses set within generous plots varying in sizes.

Description of development

The applicant is seeking planning permission for the insertion of bifold doors to existing rear dormer window and creation of balcony, existing side steel balcony and door to balcony and windows to side elevation to be replaced

Consultations & Notification Responses

Local residents - as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations in respect of this application were received.

Blackburn Park Conservation Society – no comments received as a result of this proposal

West Didsbury Residents Association - no comments received as a result of this proposal

Didsbury Civic Society - The DCS objects to both the opening width of the bifold door opening and the request to install a projecting cantilever style balcony. Rather than a Juliet type balcony. The installation will give views over the adjoining gardens. The proposal also detracts from the concept that the property is in a Conservation Area

High Speed Two (HS2) Limited - can confirm that this application is within sub surface safeguarding for Phase 2b of HS2. However, having reviewed the plans associated with the submission, it is clear that the proposal will not impact HS2 works in that location, therefore HS2 Ltd would have no objection to the proposed development.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy 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 particular adaptations to their homes.
- o DC18 for Conservation Areas
- o 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
- o Policy EN 3 Heritage
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered that the proposal does not accord with the principles of this policy document.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) 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 (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is not believed that there are any factors of sufficient weight in amenity terms that would not warrant refusal of the application.

On balance, the proposed balcony is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

There have been five previous applications relating to this site as follows:

Planning reference number: 066973/FO/SOUTH2/03 – for the erection of new rear dormer window and associated balcony. This application was refused on the 24.02.2003

Planning reference number: 085358/FO/2007/S2 - for the erection of external staircase on rear elevation up to first floor flat. This application was approved on 30.01.2008

Planning reference number: 085359/CC/2007/S2 - CONSERVATION AREA CONSENT for demolition of existing rear external staircase This application was approved on 30.01.2008

Planning reference number: 094759/TCA/2010/S2 - for works to various trees. This application was approved on 24.11.2010

Planning reference number: 117830/TCA/2017 - for Works to trees - proposed pruning of a group of trees (G1, G2) in the front and side/rear garden. This application was approved on 20.11.2017

Plans considered

Received on 1st March 2022 numbered PL001 existing plans and elevations

Received on 1st March 2022 numbered PL002 Proposed plans and elevations

Residential Amenity

The applicant is seeking planning consent for the insertion of bifold doors to existing rear dormer window and creation of balcony, existing side steel balcony and door to balcony and windows to side elevation to be replaced.

The applicant is proposing to create a balcony with a projection from the existing rear dormer of 1.0m to a width in line with the existing dormer window. Windows will be replaced with crittal style doors to allow access to the proposed balcony.

An objection was received from a local resident group which raised several concerns, including overlooking and loss of privacy.

The balcony would face several habitable windows to the rear of property's opposite along Linden Road and to the properties adjacent providing unobstructed views causing an undue loss of privacy. Normally for applications for balconies the applicant would be asked to include a 1.8m privacy screen to the side(s) facing neighbouring properties to prevent this unacceptable degree of overlooking, however a screen attached to the extent of development proposed would have an overbearing impact that would result in loss of visual amenity to neighbouring properties hence the concerns regarding this proposal could not reasonably be mitigated.

The replacement of a UPVC door on the side elevation and replacement glazing at second floor level would provide direct overlooking to the property adjacent no. 5 Elm Road, however, this is already the case and the applicant is seeking to retain the same level of view as existing. This could not be reasonably conditioned to be obscurely glazed to overcome concerns as it would have to be opened to provide access to the existing balcony.

On balance, the proposed balcony is considered in terms of size and its position cannot be acceptably accommodated at the application property and is considered that the proposal would interfere with the existing characteristics of the conservation area and therefore is considered would not accord with Core Strategy Policy DM1, EN3 and SP1 and saved policy DC1 and DC18 of the UDP.

Siting, scale and massing

The balcony would be sited within the roof space adjoining the existing rear dormer window extending the length of the dormer. The proposal would result in a structure which is excessively large or bulky and is therefore considered not to accord with the principles set out in saved UDP policies DC1 and Core Strategy policies DM1 of the Core Strategy.

Design and appearance

The proposal is considered unacceptable. The design and appearance of the proposal would be not be in keeping with the existing and surrounding properties in the area,

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is not considered acceptable.

Impact on the Blackburn Park Conservation Area

The proposal would not be located in a suitable position and although cannot be viewed from the main road would interfere with the existing characteristics of the conservation area.

On balance, it is believed that the proposal would not enhance the character of the Conservation Area which is considered does not accord with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

Conclusion

For the reasons explored above, it is considered that the proposal would lead to an unacceptable appearance and would cause an undue loss of privacy and character to the area, thus acting against the principles set out within policies DC1 and DC18 of the UDP, DM1, EN3 and SP1 of the Core Strategy and the NPPF, hence the proposal cannot be supported by the City Council. The agent was informed of the above concerns but due to the issues explained above, there were no reasonable amendments or conditions which would have resulted in an acceptable balcony in this location.

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: Refuse

Article 35 Declaration

Positive and proactive working - 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.

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

- 1) The proposed balcony, by reason of its height and siting, in close proximity to the boundary with the adjacent properties would give rise to undue overlooking and a loss of privacy to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of Manchester's Core Strategy Development Plan Document and the NPPF.
- 2) Having regard to the pattern of development found in the area the proposed balcony by reason of its scale, design and prominent location would have a detrimental impact on the character of the Blackburn Park Conservation area and the area in general. The proposed development is therefore contrary to the provisions of Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policy DC18.

Appendix 1 – List of consultees & neighbours notified

Blackburn Park Conservation Society
West Didsbury Residents Association
High Speed Two (HS2) Limited

2A Elm Road, Manchester, M20 6XB
5 Elm Road, Manchester, M20 6XB
Flat 3, 3 Elm Road, Manchester, M20 6XB
1 Elm Road, Manchester, M20 6XB
Flat 2, 3 Elm Road, Manchester, M20 6XB
Flat 1, The Hollies, 3 Elm Road, Manchester, M20 6XB
7 Linden Road, Manchester, M20 2QJ
2 Elm Road, Manchester, M20 6XB
9 Linden Road, Manchester, M20 2QJ

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
Conservation Area - Blackburn Park Conservation Area 1979
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Area Team Boundary - Name: SOUTH