

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131876/FH/2021
Date registered valid: 11 October 2021
Proposal: Proposed first floor balcony and insertion of door to provide access
Address: 34 Lambton Road, Manchester, M21 0YJ
Ward(s): Chorlton Park Ward

Applicant: Mr Raza Rehman, 34 Lambton Road, Manchester, M21 0YJ
Agent (if any): Mr Mohammed Khan, Ash 4 Homes Pure Offices Ltd, Brooks Drive, Cheadle Royal Business Park, SK8 3TD
Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 03.12.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 30.11.2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 October 2021 Expired: 15 November 2021

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/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Proposed first floor balcony and insertion of door to provide access

Consultations & Notification Responses

Comments received from neighbour as follows:

"View from any point on proposed balcony would take away all privacy at rear of my property. It would provide a direct view into main bedroom and downstairs rear lounge and kitchen. The distance from balcony to my bedroom window is only a few feet. The whole of my garden work and leisure area would be viewed from a higher level. The proposed balcony would not be increased living space please contact me ASAP to meet with you as the work seems imminent Please acknowledge receipt of this objection."

"The living accommodation extension had a tiled roof around rear bedroom which to date has not been completed. The proposed balcony request gives no indication re flooring. I am getting the impression that the doors and windows are all that requires changing. Please advise and grant a home visit prior to any decision. A little help from yourself would be appreciated as it is causing undue stress."

Policies

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

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management

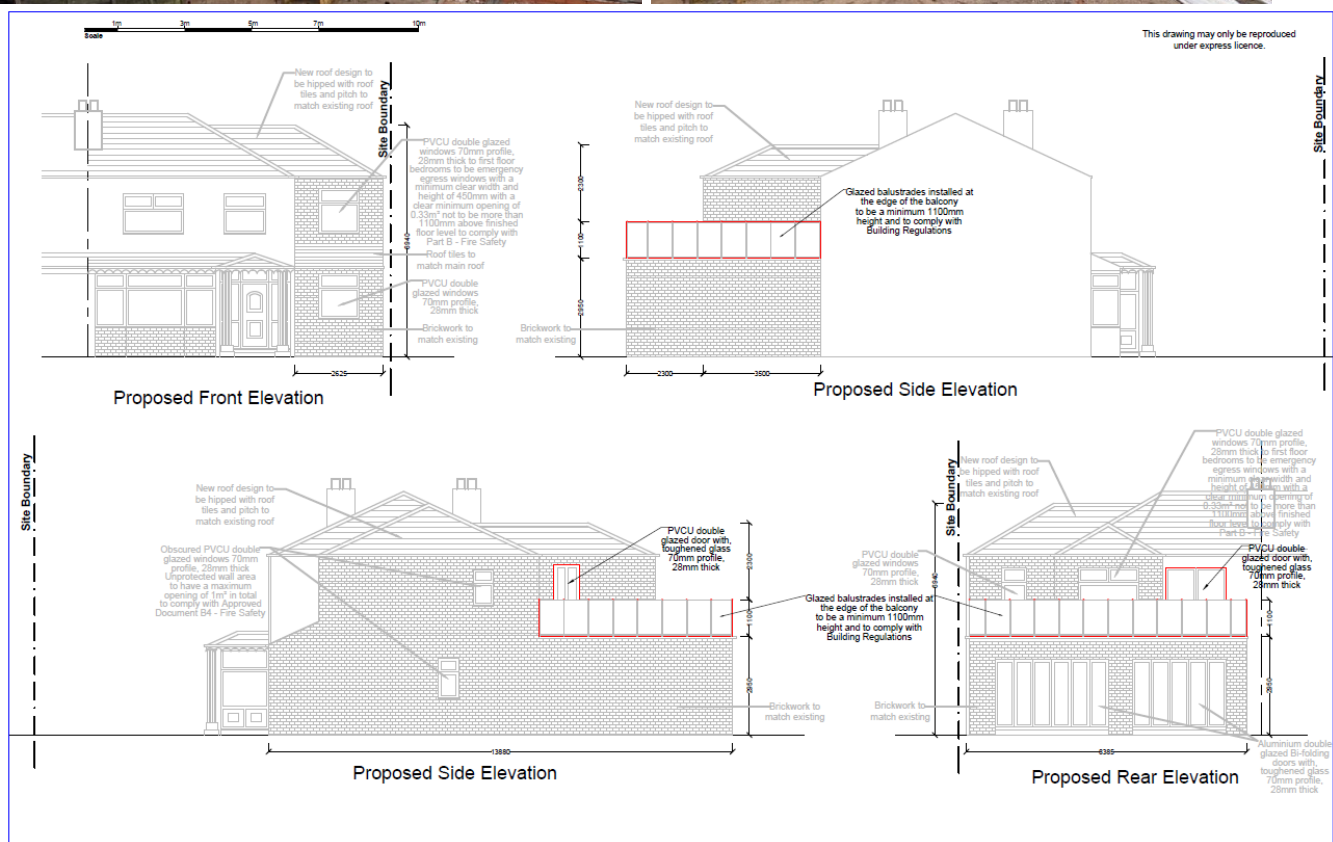
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2021) and in particular:

- Chapter 12 – Achieving well-designed places

For reasons to be outlined below, it is considered the proposal conflicts with the principles of these policy documents.

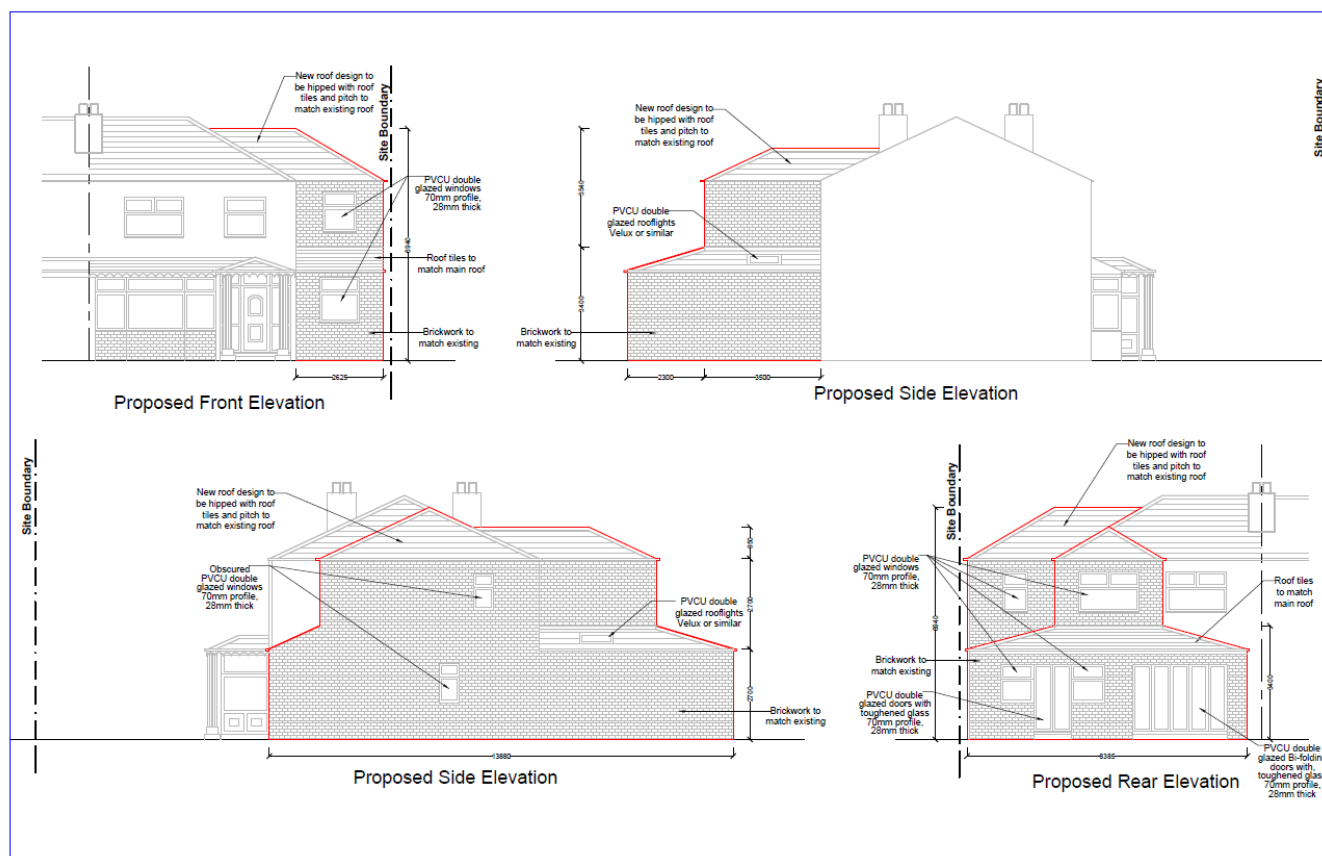
Issues



Principle – Improving a residential property via the installation of a balcony is often acceptable in principle, however, consideration must be given to the proposals siting, scale, design, appearance and impact upon both visual and residential amenity, particularly in relation to

overlooking and loss of privacy. In this case, the siting of the balcony at the rear of the property is not acceptable in principal due to the arrangement of the site and neighbouring properties and proximity to the boundary and nearby neighbouring windows, overlooking would also be provided to the amenity space immediately to the rear of the neighbouring property.

Siting, scale and design – The balcony would be sited on top of a single storey extension previously granted consent under reference 129344/FH/2021 and subsequent NMC to allow window and door alterations 130986/NMC/2021.



The balcony would project 5.8m from the rear building line for 8.385m width behind a 1.1m glazed balustrade. The balcony would be accessed through the insertion of a glazed door to the side elevation of the approved first floor rear extension facing towards the shared boundary with the neighbour to the north. The structure would not be visible within the street scene and would be appropriately detailed.

Impact upon residential amenity – An objection was received from a local resident which raised several concerns, including overlooking and loss of privacy. The balcony would face several habitable windows with the adjacent properties to the north and south. The space between the properties is c.0.4m to the shared boundary with the attached semi-detached property to the south and c.0.3m from the shared boundary with the property to the north, therefore anyone using the proposed balcony would have direct and unobstructed views (above the 1.1m glazed balustrade) over the neighbouring windows and gardens, 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 light to neighbouring properties to the north and south, hence the concerns regarding this proposal could not reasonably be mitigated.

The insertion of the glazed door into the side elevation of the first floor rear extension to provide access to the balcony would also provide direct overlooking to the property to the north, this

could not be obscurely glazed to overcome concerns as it would have to be opened to provide access to the balcony and it could not be reasonably conditioned to be closed except for access to a balcony that would similarly provide overlooking.

Conclusion – For the reasons explored above, it is considered that the proposal is unacceptable and the resultant development would cause an undue loss of privacy, to the detriment of neighbouring occupiers, thus acting against the principles set out within policies DC1 of the UDP, DM1 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) The proposed door to the side elevation facing north 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.

Appendix 1 – List of consultees & neighbours notified

List of properties notified on Uniform

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

Area Team Boundary - Name: SOUTH