

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 132093/FH/2021

**Date registered valid:** 18 November 2021

**Proposal:** Erection of single storey side and rear extensions, first floor rear roof terrace with Juliet balcony, raised rear patio and outbuilding to provide additional living accommodation

**Address:** 127 Old Hall Lane, Manchester, M14 6HL

**Ward(s):** Rusholme Ward

**Applicant:** Mrs Khan, 127 Old Hall Lane, Manchester, M14 6HL

**Agent (if any):** Mr Craig Buck, The Intelligent Design Centre, 5-11 Eagle Street, Accrington, BB5 1LN

**Case officer:** Linda Marciniak  
Tel: 0161 234 4636  
Email: [linda.marciniak@manchester.gov.uk](mailto:linda.marciniak@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 11 January 2022



## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** None

**Standard consultations:** No consultations have been printed and sent.

**Neighbour notifications:** Printed: 22 November 2021      Expired: 13 December 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**

The application site is a 2-storey red-brick and render inter-war semi on the south side of Old Hall Lane in the Rusholme ward.

There is an extended single-storey outrigger and conservatory alongside at the rear, detached extended garage at the rear and access along the eastern side. The paved front garden area is used for parking and bin storage.

The property has a gable roof profile that is covered in red clay tiles.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of area**

The site is within a tree-lined street of similar inter-war housing. It faces the recreational curtilage of Manchester Grammar School to the north and is bounded by a playing field within the University of Manchester Owens Park/Armitage Centre campus to the south.

## **Description of development**

Erection of single storey side and rear extensions, first floor rear roof terrace with glazed balcony, raised rear patio and outbuilding to provide additional living accommodation.

The proposal seeks to utilise the footprint of the existing rear extensions/outrigger and extend by a further 3 metres to provide an extended kitchen.

At first floor, the proposal has been amended to remove a 1.9-metre deep balcony with obscure glazed screens to either side. This has been replaced by a Juliet balcony.

Externally, the proposal seeks to demolish half of the detached garage to create a WC and adjacent room. A 300mm high raised patio at the rear of the extended ground floor is also proposed.

## **Consultations & Notification Responses**

The application was notified by letter to 2no. neighbouring occupiers; no comments were received.

## **Policy**

The following policies within the Development Plan for Manchester are material to the application:

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. Saved UDP policies that are material to this application include:

DC1 – Residential Extensions

DC26 - Noise

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

Policy EN19 - Waste

The National Planning Policy Framework (NPPF)

For reasons to be outlined below, the proposal is considered contrary to the Development Plan.

## **Principle**

Saved policies DC1 and DC26 of the Manchester Unitary Development Plan, together with policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects visual and residential amenity and that the design, scale and appearance of the proposed development is appropriate to its context. 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.

In this instance and as amended, the principle of the proposal is considered acceptable.

## **Residential Amenity**

### **Juliet Balcony**

The key issue of concern in the original application rested with the inclusion of a 1.9-metre deep x 6-metre wide balcony that came off the rear first-floor bedroom via French doors. The balcony was to be enclosed on both sides by 1.9-metre deep x 1.9-metre high glass brick screens and would have sat within 1.6-metres of the first-floor rear bedroom window of the adjoining semi, No.129 Old Hall Lane. This has now been deleted from the scheme and replaced with a glazed Juliet balcony as shown in the revised drawings 21050-SK3 Rev B and 21050-SK4 Rev B received on the 11<sup>th</sup> of January 2022.

Saved UDP policy DC26.1 states that:

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Whilst policy DC1.1 states that:

In determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the street scene;
- e. The effect of the loss of any on-site car parking.

It is considered that omission of the 1.9-metre deep balcony has removed a potential source of noise and disturbance which could not be adequately mitigated by inclusion of the glazed screens either side. In the original proposal, it would rely on the goodwill of neighbours to manage noise. This however is a very personal judgement and in the absence of any traffic noise at the rears of houses on this stretch of Old Hall Lane, even a small noise event could be a source of disturbance. By contrast, the Juliet balcony affords no more opportunity to congregate and generate noise than an open window, with no projection forwards and no opportunity to sit and socialise at unsociable hours which could lead to a loss of amenity contrary to saved UDP policies DC26.1a and DC1.1b.

### Single storey rear extension

The applicant proposes to add an additional 3-metres to the footprint of the existing 3-metre development at the rear of the site which includes an extended outrigger and conservatory alongside.

The extension creates an enlarged kitchen that spans the width of the rear elevation, with a central rooflight and a flat roof to a height of 2.6-metres. As a fence up to 2-metres can be erected on the common boundary, the amount of development that is potentially visible over any such fence would be relatively limited.

The principle of an extension to this depth off an original rear wall is current permissible under a Prior Approval process for semi-detached houses, provided there are no neighbouring objections. Notification of the application in this case did not result in comments from either neighbour and there are no obvious planning objections on assessment against policies within the Development Plan.

As the roof to the extension is flat, and although there is no direct access, it is considered prudent to attach a condition removing use of the flat roof as a terrace to avoid a loss of amenity due to noise, disturbance and overlooking. This is appended at the end of this report.

### External Area

The application proposes a raised terrace that is 300mm in height which is within the limits established under Permitted Development. It is accessed via the rear of the single storey extension and by steps to the side. To facilitate this build, approximately half of the detached garage closest to the house is proposed to be demolished. The remaining section is proposed to be retained as an outbuilding fitted out with a WC and small room alongside. The footprint of the outbuilding is 7.5m<sup>2</sup> and is without windows, except for the WC on the front elevation and only a single door is proposed to access via the garden. The agent has confirmed that there are no elevational changes to the remaining section of garage which retains its existing dual pitched tile roof and brick elevation. Although its footprint is very small, it is considered necessary to attach a condition confirming that the use of the outbuilding is ancillary to the main dwelling, in the interests of residential amenity.

## **Visual amenity**

Visually, the proposal presents no concerns. The extension to the ground floor is of a simple rectangular box shape with flat roof in materials to match the existing whilst the garage retains its brick and tile materials. A condition is appended to this effect at the end of this report.

This element of the proposal will be only partially visible in the street scene due to the distance from the back of pavement which is over 12 metres. As the only material change is a reduction in the depth of the former garage structure and insertion of a single front-facing obscurely glazed window, the modified garage will not appear incongruous in this context.

## **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**

The local planning authority in making its decision has had due regard to paragraph 47 of 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 the delegated report. The proposed balcony extension was raised as a concern with the agent who was given the opportunity to amend the scheme. This has resulted in an acceptable form of development that complies with saved policies within the Manchester 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 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 as received on the 18<sup>th</sup> of November 2021 or as stated:

Application form

Location Plan Ref: 21050-LP

Block Plan Ref: 21050-BP

Existing Plans and Elevations Ref: 21050 - 01

Proposed Plans and Elevations Refs: 21050-SK3 Rev B and 21050-SK4 Rev B received on the 11<sup>th</sup> of January 2022

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to saved policies DC1 and DC26 of the Unitary Development Plan and to policies DM1 and SP1 of the adopted Core Strategy for the City of Manchester.

3) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture, as stated on the Householder Application Form.

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 in accordance with saved policy DC1 of the Unitary Development Plan and to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

4) Prior to first occupation of the extensions hereby approved, the north-facing ground floor WC window in the garage alteration as shown on plan references 21050-SK3 Rev B and 21050-SK4 Rev B received on the 11<sup>th</sup> of January 2022, shall be obscure 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 - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) The flat roof to the single storey rear extension as shown on plan references 21050-SK3 Rev B and 21050-SK4 Rev B received on the 11<sup>th</sup> of January 2022, shall function as a roof only and shall not be used for any other purpose, including for the purpose of recreation associated with any use of the roof as a verandah and shall not include the provision of a balcony or any other raised platform.

Reason - In the interests of residential amenity to protect neighbouring occupiers from overlooking or perceived overlooking, noise and disturbance in accordance with saved policies DC1.1a and DC26.1 and policy DM1 of the Development Plan for Manchester.

6) The outbuilding shown on the drawing reference 21050 SK04 Rev B received on the 11<sup>th</sup> of January 2022, shall be used solely for a purpose that is incidental to the enjoyment of the dwellinghouse at No.127 Old Hall Lane and shall not be occupied as a permanent or independent residence at any time.

Reason - In the interests of residential amenity pursuant to policies DM1 and SP1 of the adopted Core Strategy for Manchester and saved policy DC26 of the Unitary Development Plan for Manchester.

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

129 Old Hall Lane, Rusholme, Manchester, M14 6HL

125 Old Hall Lane, Rusholme, Manchester, M14 6HL

## **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) -

Area Team Boundary - Name: SOUTH