

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131531/FH/2021

Date registered valid: 22 September 2021

Proposal: Part retrospective application for erection of part single/part two storey rear extension to provide additional living accommodation and removal of render.

Address: 21 Pytha Fold Road, Manchester, M20 4UH

Ward(s): Withington Ward

Applicant: Mr Zak Rashid, 21 Pytha Fold Road, Manchester, M20 4UH

Agent (if any): Mr John Peters, Hooper Enterprise Associates Limited, 11 St Marys Place, Shrewsbury, SY1 1DZ

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 November 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 October 2021

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 27 September 2021 Expired: 18 October 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two storey semi-detached C3 dwellinghouse, originally of red brick with a grey tiled hipped roof and white uPVC windows. The property features bay windows to the front and includes a driveway and front and rear gardens. Recently the property was rendered in white, with grey uPVC windows added and an unauthorised part single part two storey rear extension.

Description of area

Pytha Fold Road is a residential street within the Withington ward, characterised by two storey semi-detached family dwellinghouses with gardens, consisting of current and ex-social housing. The nature of which means extensions are not a particularly common feature of this area yet. To the south lies Fog Lane Park and to the West is the Christie Hospital.

Description of development and site history

The applicant wished to build a part single, part two storey rear extension in red brick, to provide additional living accommodation in the form of a larger open-plan kitchen-living area and a 4th bedroom.

They gained approval for such an extension in January 2020 (125459/FH/2019) but then applied for a larger version a few months later, which was refused (126972/FH/2020) due to unacceptable impacts upon residential amenity owing to its projection, proximity to boundaries, bulk and massing. Following this the applicant started building a part single part two storey rear extension in November 2020, which led to an enforcement case (ENF/15002/20) as it was clear it was not in accordance with the approved plans.

The applicant then applied to retain the extension they had built (129135/FH/2021), which differs from the approved scheme in projection, design and materials, including rendering the whole property in white. This was refused and then dismissed at appeal, with the inspector stating the scale was acceptable but the render was unacceptable.

Consultations & Notification Responses

Local residents, as per appendix 1 – 9 letters of objection were received, which raised the following concerns:

- Overlooking of nearby properties and gardens due to the Juliet balcony
- Structure is unauthorised, applicant has been inconsiderate to neighbours
- Significant loss of privacy for residents living on Newstead Avenue
- Applicant is likely to use the flat roof as a balcony
- The outdoor lights are too bright
- Should return to the original design

Ward Councillors – One query was received from Councillor Wills:

- *I have also been contacted by a resident who was among objectors to the previous versions of this planning application. The most recent, 129135/FH/2021, was refused, and a subsequent appeal dismissed. I cannot see the revised application is much of an improvement, and is in effect seeking retrospective permission for works already carried out, and which have caused a great deal of distress, in particular due to loss of neighbour privacy. Please could you provide a response on this. I am not minded to support.*
- *Many thanks for getting back to me and apologies for the delay in responding. I am assuming from the response that Planning are not minded to refuse this application? While I can appreciate the reasons for this, it is still the case that the presence of the balcony is causing loss of amenity and a lot of distress. The resident who has contacted us previously regarding this development has stated that "it's so distressing as my mum is struggling with the violation of privacy I have seen on occasions children at the door and if this is to be kept I can imagine they will use the balcony as they have access to it from the first floor." I would therefore ask that this is taken into account.*

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):

- Chapter 12 – Achieving well designed places

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

Issues

Principle – The principle of building a part single, part two storey side and rear extension to provide additional living space for a family dwellinghouse is acceptable, however consideration must be given to the proposals siting, scale and massing, appearance and impact upon existing levels of residential and visual amenity. Previously a part single part two storey rear extension of a similar scale was granted permission for this site. The applicant is applying to retain the extension as built, but in matching materials with the render removed (in line with the Inspector's decision).

Siting, scale and massing – The extension is sited at the rear (east) of the house, projecting 4.28m at ground floor and 3m at first floor, with a width of 6.2m at ground floor and 4.15m at first floor. The single storey aspect has a flat roof height of 3.27m and a maximum height of 3.37m to the top of the glazed lantern. The first floor aspect has eaves to match the existing house with a ridge set 1.2m lower than the main roof. The ground floor is sited along the boundary (leaving a gap of just 0.2m) with the adjoining semi (No.23) and sited 1m from the boundary with No.19, with the first floor being sited 2.3m from the party wall with No.23 and 1m from the boundary shared with No.19. The depth of the ground floor extension exceeds that which is stipulated within policy DC1 (of 3.65m) but only by 63cm and as the GPDO (2015) allows rear extensions up to 6m for attached houses and previously a 4m ground floor was approved, this is deemed acceptable. The dimensions do not stray significantly from those of the approved proposal (125459/FH/2019) and the inspector accepted the siting, scale and massing of the proposal in the appeal decision for the previous refusal (129135/FH/2021). The extension is considered subservient to the main house and is sited appropriately, pursuant to policies DC1, DM1 and SP1.

Appearance and visual amenity – The extension previously approved (125459/FH/2019) was conditioned to be constructed of brickwork to match existing. The applicant instead built it of blockwork and applied white render over the top, which is considered inappropriate for the location and was therefore refused earlier this year. The inspector dismissed the appeal based on the render alone, therefore this application is to retain the extension as built (in terms of its dimensions and design) but in matching brickwork, with removal of the render from all elevations of the property. Retaining the extension in red brickwork to match the original dwellinghouse is welcomed, hence the appearance and proposed materials for this application is acceptable. A pre-commencement condition has been attached to ensure the applicant submits details of the materials to be used within 3 months of the date of this permission.

Residential amenity – The first floor aspect would be sited approximately 2.3m from the nearest window at the adjoining semi, No.23, which is sited south of the application site, and hence should not suffer an undue loss of light due to this proposal. It also should not significantly affect sunlight reaching the adjacent property, No.19, as the gardens face east and are therefore already in shadow by late afternoon. Although there is no right to a view under planning law, the neighbours should retain their outlook as the 45 degree rule shows in this instance that the first floor extension would not obscure their views. The proposed first floor windows facing No.19 have been conditioned to be obscurely glazed to prevent any overlooking and the elevation facing No.23 is blank, therefore a loss of privacy is not deemed an issue.

9 objections were received, which all relate to the Juliet balcony and a perceived loss of privacy for surrounding occupiers. The inspector has already accepted the Juliet balcony in their appeal decision, hence this element of the proposal is not considered to pose an issue, particularly as it only facing other properties at an oblique angle and from a distance of over 20m. The Juliet balcony has upset some residents who fear the flat roof will be used as a balcony for the applicant, giving uninterrupted views into many windows and gardens. However a condition has been attached to restrict the use of the doors and flat roof. A restricted Juliet balcony with a balustrade is essentially a bedroom window, which provides the same opportunity for

overlooking as a window would and could even be inserted under Permitted Development. Therefore, although many objections were received (mostly from residents living outside of Manchester) on balance the proposal is considered acceptable in terms of impacts upon residential amenity.

Conclusion – The proposal broadly complies with policies DM1, DC1, SP1 and the NPPF and although it received objections, it is not thought to significantly harm the existing levels of residential amenity enjoyed by neighbouring occupiers nor harm the visual amenity of the house or wider area. The removal of render and use of matching materials instead will improve the visual amenity of the property and restore the street scene of Pytha Fold Road. The proposed development is deemed acceptable and construction may continue in accordance with the approved drawings and the following conditions.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the officer negotiated with the applicant/agent to reach a satisfactory resolution.

Condition(s) to be attached to decision for approval

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 drawings numbered '02', stamped as received by the City Council as Local Planning Authority on the 31st August 2021.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) Prior to commencement of development, and no later than 3 months from the date of this permission, samples and specifications of all materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the City Council as local planning authority.

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 Core Strategy.

4) Before first occupation the first floor windows in the north side elevation, facing No.19 Pytha Fold Road, 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.

5) The flat roof adjacent to the juliet window shall not be used for any other purpose other than as a means of escape in an emergency or for maintenance of the building.

Reason - To safeguard the amenities of the adjoining premises against overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

32 Pytha Fold Road, Manchester, M20 4UH
30 Pytha Fold Road, Manchester, M20 4UH
4 Newstead Avenue, Manchester, M20 4UQ
6 Newstead Avenue, Manchester, M20 4UQ
19 Pytha Fold Road, Manchester, M20 4UH
34 Pytha Fold Road, Manchester, M20 4UH
23 Pytha Fold Road, Manchester, M20 4UH

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