

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131052/FH/2021

Date registered valid: 13 July 2021

Proposal: Installation of balustrade to second floor flat roof together with elevational alteration to install patio doors in association with the creation of an outdoor balcony

Address: 34 Bilsborrow Road, Manchester, M14 7TH

Ward(s): Moss Side Ward

Applicant: Mr S. Jadhav, 34 Bilsborrow Road, Manchester, M14 7TH

Agent (if any): Mr Duncan Mercer, Concise Architectural Design Services, 7 Milton Street, Leigh, WN7 4EB

Case officer: Constance Phillips
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Recommendation: Refuse

Date of recommendation: 19 November 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 August 2021

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 20 July 2021 Expired: 10 August 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 site relates to a new flat roofed detached part 2 part 3 storey C3 dwellinghouse of red brick and white render, located on the corner of Bilsborrow Road and St. Edwards way. The site has amenity to the front, side and rear with off road car parking to the rear. The site is bounded by low brick wall and railings.

Description of area

The area is predominantly residential in nature, forming part of a large redevelopment of Maine Road in Moss Side. The estate was granted permission in 2007 (076455/OO/2005/S1). The properties surrounding the site are a mix of house types, comprising of two and three storey builds constructed of brick with contemporary designs and some of which are partially rendered.

Description of development

The applicant wishes to install a large 2nd floor balcony within the existing flat roof.

Consultations & Notification Responses

Local residents, as per Appendix 1 – One letter of objection has been received in respect of this application, which is summarised below:

1. The distance between buildings 34 Bilsborrow Road and 32 Bilsborrow Road is close, so if No.34 builds anything, such as an outdoor balcony, conservatory, or any other construction on its second floor flat roof, it will all have an effect on the sunlight entering No.32. During winter time this effect will be much worse and this is unacceptable.

2. The distance between the balustrades has not been shown in the planning pictures. With a height of 775mm, if they surround these balustrades with solid materials, then it will block more than a third of the sunlight entering the neighbouring house, especially the dining area in the kitchen. The reason why they are very likely to shield the balustrades is because originally the boundary between No.34 and No.32 were wooden fences with gaps in them, however they removed these fences without even letting us know, before starting to build a brick wall. They said the reason for this was to keep private.

3. It says the plan is to create an outdoor balcony. However this outdoor balcony may be the start of creating an additional bedroom or conservatory or something similar to the application they made last year and failed (their last year's application reference No.128106-FH-2020).

4. They already have an outside balcony at the east side of the building on the second floor; we have never seen this one be used. Now, they want to build another one at the west side of the building on the second floor. Why?

5. The planning of this outdoor balcony will change the character and appearance of this area.

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 a second 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 bedroom windows.

Siting, scale and design – The 2nd floor balcony would be sited within the existing flat roof over the first floor, with access from the 2nd floor bedroom. It would occupy the whole roof area, with a depth of 3.3m and a width of 6m. It would be sited 5.8m from ground level and would feature a 0.775m high steel balustrade on all three sides. The existing bedroom window facing onto the space would be replaced with a set of glazed patio doors in grey uPVC. Although it would be sited on a highly visible plot, many properties within this estate feature original balconies, such as the application site itself (on the east elevation), therefore the addition of another balcony is not considered to harm the character of the property or create an unacceptable feature within the street scene.

Impact upon residential amenity – An objection was received from a local resident which raised several concerns, including overlooking and loss of privacy, overshadowing and loss of light, the requirement for/necessity of such a structure (not a material planning matter, the reason for the balcony is not of our concern so long as it is ancillary to the dwellinghouse) and the appearance within the street. The latter is not considered an issue, but the impact upon nearby occupiers is. The balcony would face several habitable windows with the adjacent property, No.32 Bilborrow Road. This property contains two living room windows and two bedroom windows facing the proposed balcony, with the 2nd floor bedroom window directly facing it at the same height. The space between the properties is approximately 8.5m and the space between the proposal and the shared boundary is 4.5m, therefore anyone using the proposed balcony would have direct and unobstructed views over the neighbouring windows and garden of No.32, 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 the applicant previously applied for a 2nd floor extension in the same location which was refused (128106/FH/2020) due to unacceptable overshadowing. This refusal was dismissed at appeal, with the inspector stating *“I therefore conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 32 Bilborrow Road with particular regard to light. It would be contrary to Saved Policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012). Collectively, these policies seek to ensure, amongst other things, that development does not harm the wellbeing of residents with regard to undue loss of light”*. It can therefore be concluded that a 1.8m screen along the northern edge of this balcony would create an undue loss of light for No.32, hence the concerns regarding this proposal could not reasonably be mitigated.

Conclusion – For the reasons explored above, it is considered that the proposal is of an 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.

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 property No.32 Bilsborrow Road, 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

32 Bilsborrow Road, Manchester, M14 7TH
1 St Edwards Road, Manchester, M14 7TD
81 Bilsborrow Road, Manchester, M14 7TH
79 Bilsborrow Road, Manchester, M14 7TH
83 Bilsborrow Road, Manchester, M14 7TH
85 Bilsborrow Road, Manchester, M14 7TH
87 Bilsborrow Road, Manchester, M14 7TH
2 St Edwards Road, Manchester, M14 7TD

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