

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131341/FH/2021
Date registered valid: 23 August 2021
Proposal: Part retrospective application for the erection of 1st floor side and rear extension together with single storey rear extension to from additional living accommodation
Address: 219B Upper Chorlton Road, Manchester, M16 0DE
Ward(s): Chorlton Ward

Applicant: Adil Yousaf 219B Upper Chorlton Road, Manchester, M16 0DE
Agent (if any): Mr Dan Vaughan 43 Bagshaw street, Hyde, SK14 4TN
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 18 October 2021



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 30 September 2021
Standard consultations: Printed: 25 August 2021 Expired: 15 September 2021
Neighbour notifications: Printed: 6 October 2021 Expired: 16 October 2021
Printed: 06 October 2021 Expired: 16 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

The application site is an extended 2-storey red brick inter-war semi-detached situated on the south side of Upper Chorlton Road in Whalley Range. The property is set back within the plot having a 13-metre deep front garden and 4.7-metre deep remaining rear garden. There is a protected Chestnut tree on the front garden boundary and a driveway forward of the principal elevation.



The applicant owns the adjoining property which is sited on the corner with Egerton Road North. The western boundary is shared with a large converted Victorian dwelling in use as flats.

Both the application site and adjoining dwelling have been extended; the site having gained approvals in 2004 for the part retrospective erection of a free-standing single storey utility room at the rear, 2.4 metre high wall at the rear boundary with 221 Upper Chorlton Road and 1.8 metre high wall and railings to the front and side garden (Ref: 070757/FH/2004/S1). In 2007 approval was granted for the erection of a conservatory and lean to canopy at the rear of property and an increase in height of part of the boundary wall (Ref: 084364/FH/2007/S1), and consent in 2020 for the erection of a first floor side extension (Ref: 127748/FH/2020).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: 03/00234/TPO – Chestnut tree on front garden boundary

Description of area

The site is within a mixed-use area that is characterised by similar inter-war semi's to the south and east, with independent shops and cafes/restaurants to the north and further west. The site is a short walk from Chorlton District Centre.

Description of development

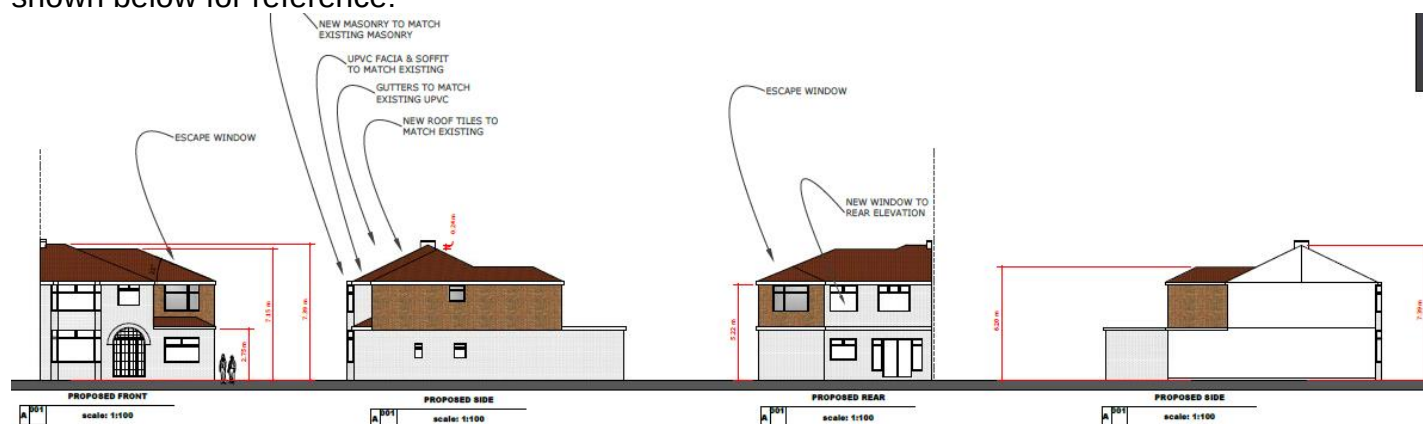
Part retrospective application for the erection of 1st floor side and rear extension together with single storey rear extension to form additional living accommodation.

At the time of a site visit, the works had largely been completed, with the exception of roofs to the rear extensions and windows.

Discussion with the applicant took place on site to address the concerns which had been raised on public notification.

The application was submitted following a Planning Compliance enquiry in July 2021. The complaint is described on the Planning Register as: Development not in accordance with approved plans attached to planning application (127748/FH/2020).

Application 127748 granted consent for the Erection of a first-floor side extension to form additional living accommodation. An extract of approved drawing 01 Rev A of that application is shown below for reference:



The proposal has included an extended hallway at first floor at the rear and has taken the ground floor extension further to the rear boundary. Amendments were made to this application following receipt of the comments set out above, which has resulted in the proposal as shown below:



Consultations & Notification Responses

1st Neighbour notification - Objection

We are opposed to the size and visibility of the rear bedroom window. If the purpose of this large bedroom window is to allow south facing light into the room there are other suitable solutions that do not compromise the neighbourhood amenity such as, the window could be smaller and higher and be made of privacy glass or the room could contain roof windows for extra light.

We are also opposed to the entire unauthorised extra room that has already been partially built with its full height double door opening and proposed Juliette balcony. The attached document evidences this extra room increases the size of the overall rear structure (and roof structure, making the overall build very imposing) and decreases the distance between our house and provides a platform that encourages gazing and surveying of our garden and many areas of our home. On the original planning ref: 127748/FH/2020 the area where the extra room has now been built was proposed as a window and was indicated to be a bathroom window, which was likely to be obscured using privacy glass, and the rooms occupancy and its use time to be limited due to the nature of this rooms purpose.

The proposed rear extension makes it impossible for us to wash, undress or use the separate toilet (which has the same sight line as this window), in privacy with the window open for fresh air and ventilation.

Overlooking / Loss of privacy

The proposed extension increases the viewing points of our property from 1 to 3, with the 2 new windows being position 3.25m closer to the boundary wall whereby increasing the field of view. While it has to be acknowledged that there is an existing window with some view of the rear garden it had no view of the front garden, nor can it view into the into upstairs windows, this was illustrated in the image provided above.

The depth and width of the extension with the two large windows would provide an extensive view of the rear garden and now also the side drive and front garden. Most importantly, these windows in their size and position also provide the ability to look into our bathroom, separate toilet and hallway, these spaces have privacy glass windows however, the extent to which they are overlooked means that we cannot open these windows freely without this providing a direct sight line into these private spaces. In addition, the depth of the extension and the size of the windows provides the ability to view into our downstairs back door to the living room and kitchen areas. This is illustrated in the images below. The bathroom window image is shown as this is the closest window. The picture of the front garden also shows that the front garden and side of the house is overlooked by the taller neighbouring building comprised of residential flats. However, the windows are much smaller and are constructed with privacy glass with small top openings that restrict any direct viewing.

The loss of privacy is further emphasised by the incorporation of a Juliette balcony to one of the windows, which by design provides an extended field of view across our property and invites viewing across the surrounding area. People standing at the balcony and gazing into areas of our home is extremely intrusive. The building works of this area have already begun without planning consultation or permission, and a planning enforcement officer Mr Matthew Kilby has already visited the property to instantly reject and stop the building of an additional outdoor balcony that was also under construction adjacent to the room with the proposed Juliette balcony. It has to be assumed that the rejected balcony and the now planned Juliette balcony room act as a replacement "outdoor" space. This is due to the extensive amount of building works carried out at 219 a and 219b, which has previously included the construction of a 2.6m

high brick wall that limits their south facing outdoor space. The amount of outdoor space is illustrated on the below image.

The drawing of the build also indicates that the balcony room forms part of the hallway, this means that overlooking cannot only occur from the room itself via the balcony door, but also from other parts of the house as indicated on the photo below.

Further to this point, the plans show no indication of the intended use of the planned balcony room. However, in its design and position (and considering the intended yet rejected adjacent outdoor balcony area) it has to be assumed that the intent is to be used for daylight and surrounding/ neighbouring nature enjoyment. Overall, the proposed plan of this extension completely compromises any privacy in our garden space and compromises privacy across many areas of our home, especially across spaces in which people would expect to have total privacy with the ability of being able to open windows freely for ventilation.

Density of Building

The size of the overall build especially to the rear extension is becoming very imposing. The rear extension is 6 meters wide and is now 3.25 meters closer to our property than any previous first floor structures of that property. The design of extension is far larger and not aesthetically in keeping with other parts of the building or other properties in the area. In addition, the adjoining boundary wall on the plans is to be 3.20m however it already reaches this height and the roof structure on this part is not yet complete, we envisage this could reach over 3.40 meters in height.

An estimate of the closeness of the rear extension with new windows to north west corner/bathroom window of our property are indicated below.

Conclusion

As a result of the points raised above, there is a clear loss of privacy and a significantly increased degree of overlooking to not only the rooms to the side of our property, but also our rear and side amenity space. The comfortable usage of our rear and front garden is being restricted due to the size of the extension and the number of windows (one being a balcony used to enjoy the views of our property) that now have a clear view of our garden. In summary, we can no longer open our bathroom, toilet, hallway window or backdoor without the knowledge someone has the ability to view our practices and interactions across the house and garden.

Trafford MBC – Objection

It is considered that the extra first floor rear extension would cause overdevelopment of the site and create a massing / built form ratio that is too out of keeping with the predominant character of the locality. The first floor rear Juliet balcony would appear to cause overlooking / loss of privacy to the rear garden of no. 123 Egerton Road to the south due to the proximity, although some of this does look to be blocked by the single storey rear extension within the application site.

2nd Neighbour notification - Objection 1

The 1st floor rear extension footprint is clearly far greater than that shown on the original plans causing it to now be very imposing whilst also including that of a Juliette balcony with opening doors that look directly towards ours and neighbouring rear garden spaces. Due to the nature of all balconies which are designed to provide connection to the outdoors I feel this will encourage the occupants to stand and view garden spaces, directly impacting on our privacy within an outdoor space utilised daily by our children and as a family.

Submitted document 131341_FH_2021-PHOTOGRAPHS_PHOTOMONTAGES-1744901.pdf clearly shows the close proximity and direct sightline into ours and neighbouring gardens which would be furthermore intrusive if stood leaning out of the balcony due the sightline being higher and closer than that shown in the submitted referenced image.

I've taken an image from our rear garden clearly showing the sightline from the proposed already constructed extended balcony room which can be forwarded separately if required as I can't upload into the comments.

The inclusion of a Juliette balcony isn't in reflection to that of surrounding residential buildings, and I can't help but feel there is the possibility of being overlooked and watched whilst enjoying the privacy of our garden space.

I ask you that for the reason stated above please can this application be reviewed taking into consideration the impact in loss of privacy and increased overlooking.

Objection 2

I just wanted to make a further point in relation to the imposing nature of the extension, as I do not think it comes across clearly enough in the document I have previously sent. Our upper floor windows that face the property are made of privacy glass and so is the lower ground side door (although, a new double glazed door is being fitted and this does not have privacy glass), however, these do not diminish the feeling of the possibility of being observed and overlooked while being in several areas of our house due to the extent of development at the rear of the property. However, standing in our rear garden will demonstrate this, and how imposing the rear extension is becoming, as you will be faced directly with the increase in boundary wall and the Juliette balcony room window. This will demonstrate the difference that the 3.25 meters closer to our house makes, especially when considering the extra roof structure that would be in place due to the extra Juliette balcony room.

Amended Plans – Notification responses – 1 objection

We hereby would like to raise our objections to planning application 131341_FH_2021 as revised on the 6th of October, which directly impacts our residential amenities. In summary the changes made in the last submission do not change the negative impact the rear extension has to our privacy. This document has been updated to support this case.

General overview

Our property, 123 Egerton Road North, is a direct neighbour of the extension under construction. Our property lies to the south of the proposed build and the below image shows our property has the following north facing windows and doors directly facing the build: - Bathroom window - Separate toilet window - Hallway window - Open plan living room and kitchen.

Our property is currently only overlooked by one bedroom window from the property undergoing extension. This window is positioned directly opposite and is set further back and limits any direct field of view into our property.

The image below illustrates the difference between this current window and how the rear extension's proposed extra room and rear windows create sightlines into our property. The above image is taken from our bathroom, under this window is our shower over bathtub, so the proposed rear extension makes it impossible for us to freely open the bathroom window for fresh air or ventilation without the feeling and possibility of being watched.

Changes to drawings

The latest amendments to the drawings are insignificant with regards to their impacts on our residential amenities, as one opaque material was replaced by another (the obscured glass balcony guarding was replaced by a wall) as the images below show.

This change, however does not limit the field of view and the overwhelming feeling of being overlooked. The build continues to be 3.25m closer to our home with direct fields of view into our house and garden, which will be explained below. The images of plans below show that compared to the 2020 planning application the highlighted area of the house in the 2021 submission does not have any intended use indicated. The build started on this additional room/area without planning permission and was to include a door out to a first-floor balcony area, and enforcement intervention of the build meant the balcony could not be built. However, the revised plans of this room without permission then included a Juliette balcony window (see page 2) and the room was not designated a purpose. Again, in the second version of plans for this area the space is still not designated a purpose e.g., as a bathroom or bedroom.

The above drawing of the build also indicates that the undeclared space forms part of the hallway, this means that overlooking cannot only occur from the room itself via the window, but also from other parts of the house as indicated on the photo below.

This area that leads directly and openly to the hallway now contains windows to both exterior walls and a roof window. It is clear, this area is designed to enjoy and captivate south facing light and visually represents itself as an area that was planned from the outset to utilise day time sunlight use in the form of a work/play/study/ sun lounge area with outdoor patio. The use of this space is very different from that of a bathroom or bedroom and again adversely impacts upon our residential amenity of privacy. To be clear, we are completely opposed to this area of the extension. The image below outlines the build areas and available outdoor south facing green space. With the limited south facing outdoor space the property has the additional room and its windows on the 2021 plans also provide a great viewing platform to overlook neighbouring gardens. This view was a possible reason for the intention of a south facing balcony and the south facing views are now provided by the remaining windows.

Overall, the proposed plan of this part of the extension completely compromises any privacy in our garden space and compromises privacy across spaces in which people would expect to have total privacy with the ability of being able to open windows freely for ventilation. The below sections demonstrate how the extension overlooks our home and diminishes our privacy further.

Overlooking / Loss of privacy

The proposed extension increases the viewing points of our property from 1 to 3, with the 2 new south facing windows being positioned 3.25m closer to the boundary wall whereby increasing the field of view. While it has to be acknowledged that there is an existing window with some view of the rear garden it had no view of the front garden, nor can it view into the upstairs windows, this was illustrated in the image provided on page 2 above. The original window was also 3.25m further back from the boundary wall, reducing the visibility further. Overall, the depth and width of the extension with the two large south facing windows provides an extensive view of the rear garden and now also the side drive and front garden, these planned windows even in its unfinished state has affected how we use and feel about spending time in the garden because we are so overlooked as the images on page 6 help to demonstrate. These windows in their size and position also provide the ability to look into our bathroom, separate toilet and hallway. While these spaces of our home have privacy glass windows, the extent to which they are overlooked means that we cannot open these windows freely without this providing a direct sight line into these spaces and making you second guess if someone will be looking at you.

It must also be noted that the height of the windows is not identified on the latest drawings, and their position, imposing nature and field of view continue to be a concern for the private use of

the garden as we cannot step out from our patio without being overlooked by these windows as the image below shows.

As mentioned above, the latest plans do not designate the height of the first-floor windows and if approved could continue to be of their current height (at the height they have already been built and not as shown on the resubmitted drawings) as the submitted plans do not always 100% reflect the build in all of its aspects, as the example below demonstrates.

Density of Building

Lastly, the size of the overall build especially to the rear extension is becoming very imposing. The rear extension is 6 meters wide and is now 3.25 meters closer to our property than any previous first floor structures of that property. The design of extension is far larger and not aesthetically in keeping with other parts of the building or other properties in the area. In addition, the adjoining boundary wall on the plans is to be 3.20m however it already reaches this height and the roof structure on this part is not yet complete, we envisage this could reach over 3.40 meters in height. An estimate of the closeness of the rear extension with new windows to north west corner/bathroom window of our property are indicated below.

Conclusion

As a result of the points raised above, there is a clear loss of privacy and a significantly increased degree of overlooking to the rooms to the side of our property, but also our rear and side amenity space. The comfortable usage of our rear and front garden is being restricted due to the size of the extension and the number of windows that now have a clear view of our garden and into the house, with us being unable to open our bathroom, toilet, hallway window or backdoor without the knowledge someone has the ability to view our practices and interactions across the house and garden. Finally, it should also be noted that in the planning decision 127748_FH_2020 particular attention was given to the overlooking or perceived overlooking of the west elevation of the house, which is essentially a car park. We request the same rigour in decision making to be done here of protecting the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking, which in this case is a garden and the inside of a home.

Issues

The application is considered against saved UDP policy DC1 and Core Strategy policy DM1. National Planning Policy Framework guidance (July 2021) underpins the need to achieve well-designed places. The key considerations are the impacts on residential and visual amenity.

Residential Amenity

The application proposes extensions to add to the existing to create additional living accommodation for an extended family who also own the adjoining property. Additional space has been added at ground and first floor without the benefit of planning consent, as noted above.

In the present proposal, which has been amended twice since first submission, the extensions create a conservatory at ground floor and a hallway at first floor. There are no amenity concerns arising from the conservatory which forms a boundary alongside entry to the rear garden of the flats to the west, and part of the garden of No.123 Egerton Road North to the south.

The additional first floor extension sits alongside that approved under 127748, having a depth of 3.25 metres with windows both on the rear and inside, rear elevation. The inside window and the fixed pane of the rear-facing hallway window are required to be obscurely glazed to prevent overlooking or perceived overlooking, a concern which has been raised on notification.

In application 127748, a side-facing bathroom window was required to be obscurely glazed where it faced similar windows on the flats. As the development at first floor comes to within 8.6

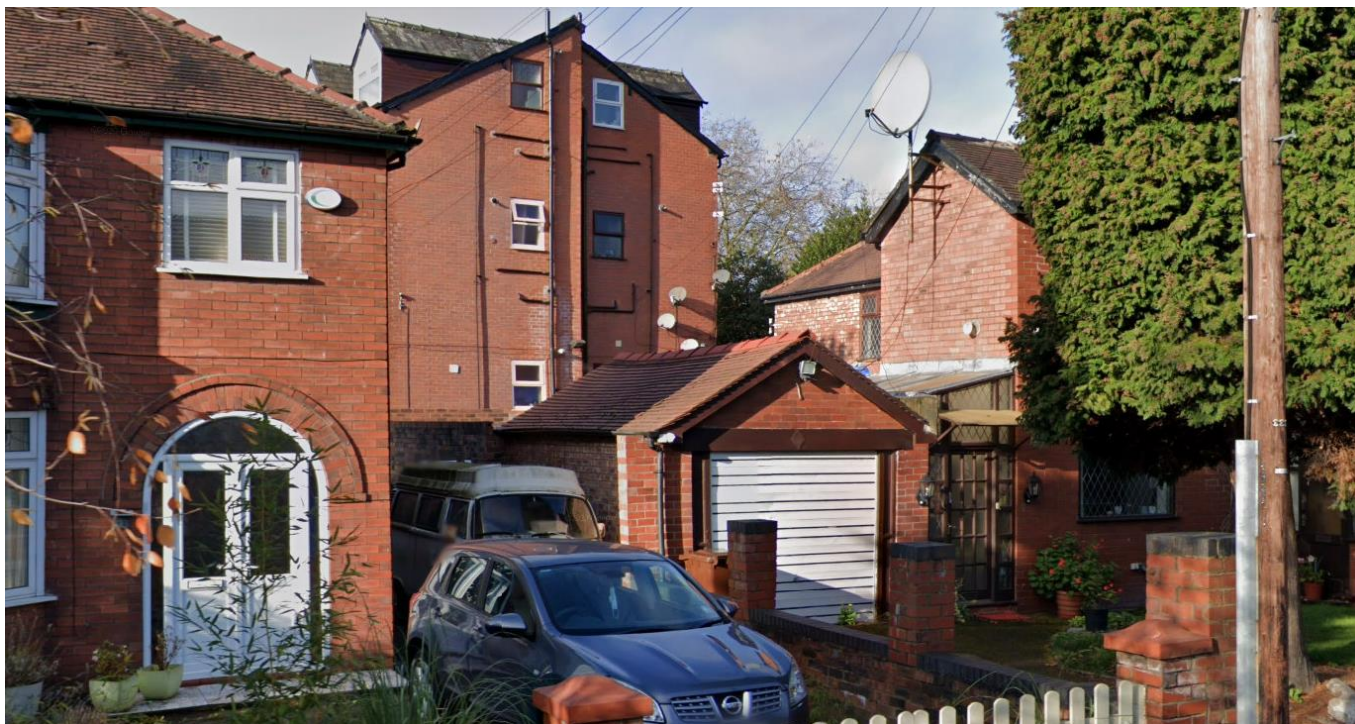
metres of the side elevation of No.123 Egerton Road North where similar obscurely glazed windows are located, both windows are justified in being obscurely glazed for similar purposes.

The siting of the first-floor extension is slightly off-set from the side elevation of No.123 and 2.3 metres off the rear boundary. As this property is also set in off the boundary by approximately 2.45 metres and the roof ridge is hipped and set down, this goes some way towards mitigating any effects of being overbearing.



Visual Amenity

The extension follows the aesthetic of the approved extended dwelling but adds additional bulk at first floor by doubling the width from 3 - 6.11 metres. This has resulted in a loss of some of the openness between the rears of the semi's but is absorbed to some extent by the mass of the flats immediately to the west, which is the dominant built form in the immediate context,



Google Street View November 2020 – View from outside No. 123 Egerton Road North

especially when viewed from Egerton Road North which is the only public view of the rear of the site.

When viewed from the front elevation, there is no material difference between the proposal approved in November 2020 and the current proposal. The Council agrees that in total, the proposal amounts to an over-development of the site as raised on notification by Trafford MBC and should not form the basis of any proposals to similarly extend the adjoining half of the semi. It is considered acceptable in this instance only on the basis of the relationship with No.123 to the south and by reason of the flats to the west. Given the gap between the rear of the site and the public footpath, the extended rear elevation would not be perceived as overbearing or obviously out of character given its partial screening by the extended side and rear of No.219A adjoining.

The extensions are otherwise typical of domestic extensions seen locally and are constructed in materials to match the existing which will help them to assimilate with the original, to the benefit of the street scene.

Parking

Capacity to park 1 or more vehicles off-road would be maintained following any approval of the application.

Bin storage

Bins will continue to be managed from the front of the property as at present.

Other Matters

The detailed objection received on notification of the amended proposal specifically referred to overlooking into non-habitable room windows; a bathroom, WC and hallway, together with looking down into a side door leading into a living room. The objector has also raised a concern about overlooking into the rear garden. This last point carries less material weight given the pre-existing relationship of rear windows overlooking gardens between the site and objector's property.

The proposal as finally amended has obscurely glazed both the side and fixed pane of the rear facing hallway windows which will mitigate these concerns. The remaining rear window for a bedroom was approved under 127748 and is situated closer to the boundary with the flats. A condition is appended for the windows to be obscurely glazed for the avoidance of doubt and in the interests of residential amenity.

On the basis of the above, the proposal is considered to be acceptable in view of saved UDP policy DC1 and Core Strategy policies DM1 and SP1.

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 subject to appropriate conditions and for the reasons outlined in the delegated report. The proposed extensions raised objections on public notification which resulted in amendments to mitigate those concerns.

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 received on the 13th of August 2021 or as stated:

Application form

Photos

Existing and Proposed Elevations - Drawing Ref: 01 Rev C received on the 18th of October 2021

Existing and Proposed Floorplans - Drawing Ref: 02 Rev C received on the 18th of October 2021

Location Plan and Block Plan - Drawing Ref: 03 Rev C received on the 18th of October 2021

Typical Details - Drawing Ref: 04 Rev C received on the 18th of October 2021

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

3) Before first occupation of the extensions hereby approved, the first floor side and fixed pane of the rear hallway windows on the extended rear elevation, shown on drawings 01 Rev C and 02 Rev C received on the 18th of October 2021, 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 neighbouring occupiers from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy and saved UDP policy DC1.

4) 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 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 of the area within which the site is located, as specified in policy DM1 of the adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Trafford Council

123 Egerton Road North, Manchester, M16 0BR
2 The Coach House Rear Of 219, Upper Chorlton Road, Manchester, M16 0DE
1 The Coach House Rear Of 219, Upper Chorlton Road, Manchester, M16 0DE
The Coach House Rear Of 219, Upper Chorlton Road, Manchester, M16 0DE
125 Egerton Road North, Manchester, M16 0BR
Flat 1, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 2, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 9, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 7, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 6, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 5, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 4, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 3, 219 Upper Chorlton Road, Manchester, M16 0DE
Flat 8, 219 Upper Chorlton Road, Manchester, M16 0DE
256 Upper Chorlton Road, Manchester
254 Upper Chorlton Road, Manchester
252 Upper Chorlton Road, Manchester
250 Upper Chorlton Road, Manchester

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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH