

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130763/FH/2021

Date registered valid: 15 June 2021

Proposal: Installation of raised rear patio and associated low wall, increase in height to the existing west boundary brick wall, together with elevational alterations including insertion of suspended bay windows to rear and side entrance door

Address: 57 Fog Lane, Manchester, M20 6AR

Ward(s): Didsbury East Ward

Applicant: Mr David Ross & Ms Gabby Gregory, 57 Fog Lane, Manchester, M20 6AR

Agent (if any): Mrs Magdalena Haener, Pride Road Manchester South, 110 Great Stone Road, Manchester, M16 0HD

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

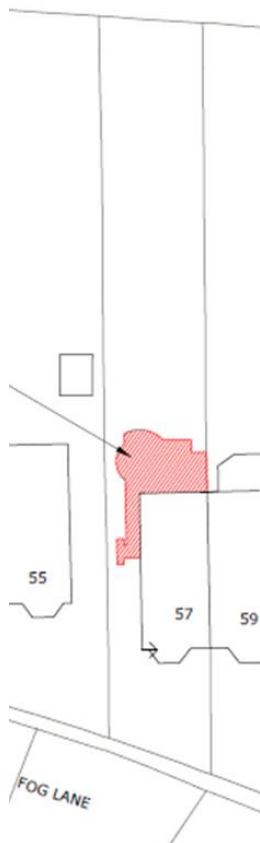
Date of recommendation: 10 August 2021



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 26 July 2021
Standard consultations: No consultations have been printed and sent.
Neighbour notifications: Printed: 23 June 2021 Expired: 14 July 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 3-storey plus basement Victorian semi-detached dwelling situated on the northern side of Fog Lane in the Didsbury East ward.

The red brick property has gardens at the front and rear, a front driveway and 3.4-metre wide access along the western side to the rear garden which is north-facing.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is within a residential area comprising a mixed typology of houses that includes similar Victorian semi's, inter-war semi's and early C20 purpose-built flats. The site shares the rear boundary with Fog Lane Park.

Description of development

Installation of raised rear patio and associated low wall, increase in height to the existing west boundary brick wall, together with elevational alterations including insertion of suspended bay windows to rear and side entrance door.

Consultations & Notification Responses

Neighbour notifications – No comments received.

Policy

The following planning policy documents which make up the Development Plan for Manchester are material considerations in this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. Several policies have been saved by way of a Secretary of State Saving Direction. For the purposes of this application, policy DC1 'Residential Extensions' is extant and therefore material to the assessment of the application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. The following policies are relevant to this application:

- o Policy DM1 - Development Management
- o Policy SP1 - Spatial Principles

For reasons to be outlined below, it is considered the proposal accords with the principles of the Development Plan.

Issues

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the UDP relate specifically to residential extensions and set out criteria against which proposals for extensions will be assessed.

Residential Amenity

The proposal is considered to have acceptable impacts on residential amenity. The rear patio extension creates an external amenity area that seeks to utilise the gap to the side that is not overshadowed by the north-facing rear elevation of the house. The patio is raised to be flush



with the internal raised ground floor and has an irregular footprint that is 5.84 metres at its longest point, 7.8 metres at its widest and 1.070 metres above the lower garden level. It would be bounded by a 970mm high brick wall to the side.

In considering the impact on No.59 the adjoining occupier, for most of its length the raised patio would run alongside a deep brick bay window which comes off the rear elevation of this property so that only 1.324 metres would extend beyond it and separated by a 2.8 metre high intervening wall topped with a deep evergreen hedge. On any approval of the application, the remaining height of wall above the patio would be just over 1.7 metres which is adequate to prevent any intrusive overlooking.

The shape of the footprint means that a 1.52-metre wide gap would be retained between the hedge and steps leading up to the patio, with most of the useable space being formed of a circular-edged section extending out into the rear garden towards the western boundary. It then narrows as it wraps around part of the gable wall for 4.86 metres, leaving a 1.73 metre gap to the side elevation of No.55, the adjacent property to the west.

This property mirrors the window and door arrangement of the site, with 2no. single windows and a solid timber door facing the side elevation. The section of raised patio at the side would not extend as far as the pair of windows, but the application proposes to raise the height of the common boundary fence to 2.370 metres nonetheless to give the occupiers on either side additional privacy. No comments have been received by the adjacent neighbour in this regard.

Two suspended bay windows are also proposed, one on each of the corner elevations with the one facing the side door of No.55 being obscurely glazed.

It is considered that the siting of part of the patio to the side, together with the increased fence height and obscurely glazed suspended bay window, will mitigate any intrusive overlooking to the side of No.55.



Visual Amenity

Visually, the extensions will have little impact within the street scene as most of the development is at the rear low level. The works at the side will be situated 5.3 metre behind a pair of 1.8-metre high side gates towards the front elevation. These are themselves sited 13.53 metres off the front boundary which will give little visibility in the street scene.

The works are nonetheless acceptable; the raised patio surface having a stone finish and bounded by a low brick wall.

The suspended bay windows interpret the front, side and rear bay windows in a contemporary design language being of a rectangular form 1.998 metres high x 1.6 metres wide and 500mm deep with powder-coated aluminium frames.

The boundary treatment to the west retains the original brickwork and trellis-topped mix.

There are no concerns with the visual element of the proposal.

Parking / bin storage

Parking and bin storage are unaffected by the works; bins are shown stored behind the double side gates whilst parking is forward of these on the front driveway.

Conclusion

The proposal represents a modest scale of development that seeks to create external amenity space utilising the gap between the site and No.55 to get the benefit of sunlight from the space.

The proposal has been designed with consideration of the impacts on each neighbour in mind and sought to mitigate the impacts through careful siting and design of the raised patio and fencing.

On assessment of the proposal, neither occupier to each side will suffer any loss of amenity and there are no obvious impacts on the appearance of the property in the street scene.

On the basis of the above, the proposal accords with saved UDP policy DC1 and with Core Strategy policies SP1 and DM1.

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 no concerns on public notification and the application has been determined in a timely manner.

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 15th of June 2021 or as stated:

Application Form

Drawing - Location Plan, Ref: 16

Drawing - Existing Floorplans Refs: 01 and 02

Drawing - Existing Elevations Ref: 03

Drawing - Proposed Floorplans and Elevations Ref: 10

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) The materials to be used on the external surfaces of the extension hereby permitted shall be in accordance with those as stated on the above approved drawings and 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.

4) Before first occupation of the extensions hereby approved, the suspended bay window on the west elevation shown on drawing ref:10, 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 and saved UDP policy DC1.

Appendix 1 – List of consultees & neighbours notified

59 Fog Lane, Manchester, M20 6AR
96 Fog Lane, Manchester, M20 6TH
55 Fog Lane, Manchester, M20 6AR
94 Fog Lane, Manchester, M20 6AG

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