

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130853/FH/2021

Date registered valid: 24 June 2021

Proposal: Extension of existing terrace to create additional raised deck area

Address: 34 Birch Grove, Manchester, M14 5JU

Ward(s): Rusholme Ward

Applicant: Gallagher, 34 Birch Grove, Manchester, M14 5JU

Agent (if any): Mr John Edmondson, Edmondson Design Limited, 963 Stockport Road, Manchester, M19 3NP

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10.08.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 2 July 2021 Expired: 23 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

This application relates to a large two storey semi detached villa. The property has an elevated ground floor and as built there is a large paved terrace at the rear. The rear garden is approximately 17 metres long by 8.6 metres wide. Along the side of the property is a passage 1.6 metres wide.



The Boundary to the adjoining property is made up of fencing /trellis and shrubs and is approximately 1.5 metres above the height of the existing terrace. The boundary with the

adjacent property is approximately 1 metre high and largely subsumed by shrubs.

Listed building: Not applicable

Conservation area: Not applicable

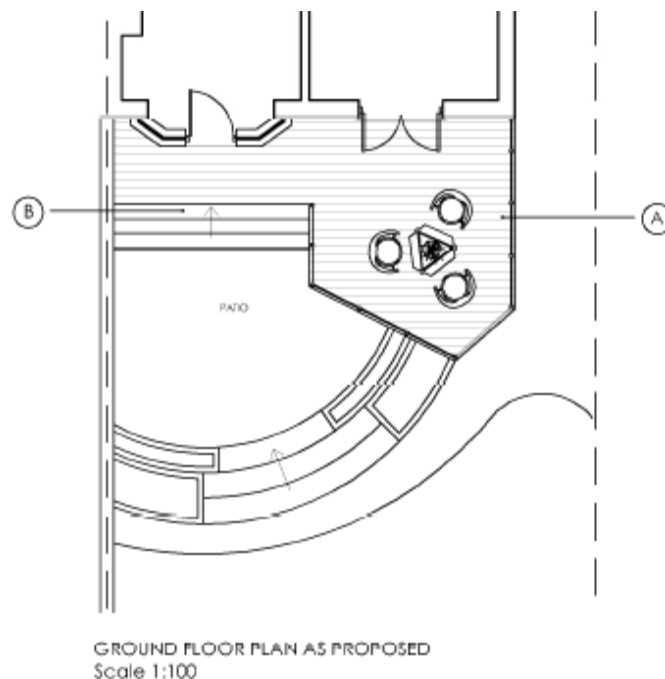
Tree Preservation Order: Not applicable

Description of area

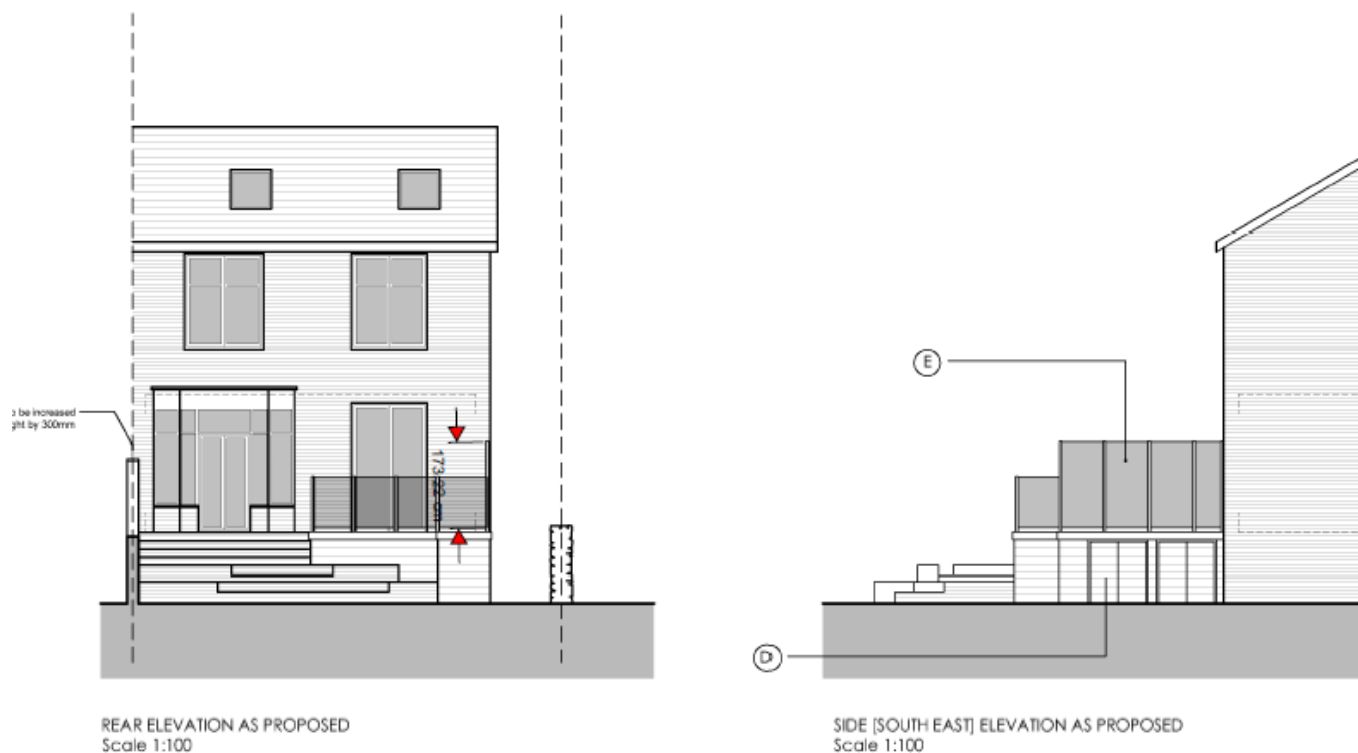
This is a predominantly residential area. To either side of the site are the rear gardens of houses on Birch Grove. The bottom of the garden adjoins the side of the rear garden to a house on Brighton Grove.

Description of development

Consent is sought to erection a timber deck across the full width of the rear of the property. The deck would be level with the threshold of the existing patio doors, approximately 1.5 metres above ground level and 0.6 metres above the existing terrace. The terrace which would be irregularly shaped would have a minimum projection of 1.5 metres and a maximum of 4.2 metres.



Steps would be provided down to the existing terrace level and a fronted glass balustrade provided on the rear elevation. On the side adjacent to 32 Birch Grove the existing trellis will be increased in height by approximately 300mm whilst on the other side would be a 1.7 metre high frosted glass screen.



An existing rear window would be enlarged to form a second set of patio doors.

There would be two doors in the side of the terrace to provide access for storage.

Consultations & Notification Responses

Local residents.

13 Letters have been received objecting to the proposed development. The issues raised are summarised below.

- The height of the proposed terrace will result in overlooking and a loss of privacy.
- The mass of the proposed deck and screen is incongruous.
- The impact of the deck would be greater in winter when trees and shrubs lose their leaves.
- The proposal breaks the existing pattern of terraces across six matching properties.
- If approved it would set a negative precedent for the area.
- The proposal is contrary to policies fostering community spirit, cohesion and the quality of family homes.
- The development would be stressful for adjoining residents.
- Concerned that the property will be converted into a HMO.
- The large glass wall will dominate the sunken garden.
- The development would be highly visible.
- There is a tacit understanding in the neighbourhood of only 'inside' raised patios at the rear of adjoining semi-detached houses separated by fencing. The patios are set down from the ground floors by about 2ft and are about half the width of the house. The 'outer' sides of the patios are at ground level creating a private area. This arrangement means that families do not dominate their neighbours' space – there is a garden-level gap separating the patios of adjacent semis so a level of privacy is maintained. The size and layout of the proposed development will erode this understanding, creating a precedent that will undermine the understanding, which has been built up over many years.
- The terrace will be out of character with the property.

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

The creation of raised terraces and decks accords with the principle of tailoring a property to the individual needs of the occupiers and is considered to be acceptable in principle.

Policy

There are no specific policies relating to the scale or design of terraces in either the Core Strategy or Unitary Development Plan.

Scale

This is a high terrace necessitated by the elevated basement of the property. The need for balustrades and the privacy screens increase the apparent bulk of the structure. It is however, at the rear of the property and only visible to adjoining properties. On balance it is considered that the scale of the proposed terrace is acceptable.

Design

The proposed terrace would sit above part of the existing stone terrace to the property. The use of timber and glass has a contemporary feel that clearly identifies the proposed terrace as a modern addition to the property. On balance it is considered that the design of the terrace is acceptable.

Residential Amenity

The elevated position of the proposed terrace is such that there is the potential for overlooking the gardens to either side and the rear. The existing boundary treatments are not particularly high other than to the adjoining property. The introduction of the glazed screen will reduce views across the adjacent garden to an oblique angle and whilst there may be some loss of privacy it would not be significantly worse than found in other gardens. The same would apply to the adjoining property where the existing fence/trellis is to be increased in height limiting views across the garden.

On balance it is considered that the loss of privacy would not be so significant as to justify refusing consent.



The garden to the rear of the property is sufficiently far at 14 metres from the end of the proposed terrace for there to be no significant overlooking issues.

A condition is proposed that would ensure that the screens are retain in perpetuity.

In terms of overbearing impact the use of the trellis to the adjoining property should ensure that the impact is not significant. The glass screen at the other end of the terrace is 1.5 metres from the boundary and will not therefore have an overbearing impact.

HMO

Concern is expressed about the use of the property as a HMO. As a result of the article 4 direction this would be a change of use that requires planning permission. This is an application for the erection of a terrace at the rear of the property and therefore concerns about the use of the premises as a HMO are not relevant to the determination of the application.

Informal agreements.

Whilst agreements between residents may be a material consideration they do not carry any weight in the determination of an application which planning law requires should be determined in accordance with local policies and national guidance.

Conclusion

On balance whilst this is a large structure that will impact on the amenity fo residents it is considered that with suitable conditions the impact of the scheme can be kept within acceptable limits.

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 issues arising from the consideration of this application.

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:

2142 PL 300 B received 28 July 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall be constructed using materials specified on the approved drawings.

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) The toughened glass privacy screen 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.

Appendix 1 – List of consultees & neighbours notified

32 Birch Grove, Manchester, M14 5JU
Flat 5, Birch View, 61 Brighton Grove, Manchester, M14 5JT
Flat 4, Birch View, 61 Brighton Grove, Manchester, M14 5JT
Flat 3, Birch View, 61 Brighton Grove, Manchester, M14 5JT
Serviced Apartment 2, Birch View, 61 Brighton Grove, Manchester, M14 5JT
Flat 1, Birch View, 61 Brighton Grove, Manchester, M14 5JT
Birch View, 61 Brighton Grove, Manchester, M14 5JT
36 Birch Grove, Manchester, M14 5JU

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