

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130150/FH/2021

Date registered valid: 6 May 2021

Proposal: Erection of first floor rear extension and adjacent flat roof, raised patio and erection of proposed garden room

Address: 22 Elm Road, Manchester, M20 6XD

Ward(s): Didsbury West Ward

Applicant: Uzma Sheikh 22 Elm Road, Manchester, M20 6XD

Agent (if any): Simon Wallis WBD First Floor, 209 Church Street, Blackpool, FY1 3TE

Case officer: Linda Marciniak
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Recommendation: Approve

Date of recommendation: 29 June 2021



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 May 2021

Standard consultations:

Printed: 18 May 2021 Expired: 1 June 2021

Neighbour notifications

Printed: 18 May 2021 Expired: 1 June 2021

Site notice

Posted: Expired: Posted: 17 May 2021 Expired: 7 June 2021

Press advert

Published: 18 May 2021 Expired: 8 June 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site is an early C20 semi-detached red brick dwelling situated on the eastern side of Elm Road in the Blackburn Park conservation area.

The property sits in a long rectangular plot, has a raised patio at the rear and projecting gable over 2-storeys at the rear with a first floor Juliet balcony. All of the rear elevation is rendered and painted white.

There are gardens to the front and rear and access along the south side from front to rear.

Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: None

Description of area

The site is within a mature residential area characterised by a similar housing typology.

Description of development

Erection of first floor rear extension and adjacent flat roof, raised patio and erection of proposed garden room.

The application has been amended to remove a first floor terrace area proposed on the flat roof adjacent to the extension and accessed from bedroom 3.

Consultations & Notification Responses

Neighbour notifications – Objection on original scheme:

We object to the roof terrace with door access to flat roof.

It's next to a bedroom and will be noisy and intrusive to privacy.
Also, it overlooks our back-garden terrace and will reduce the privacy of our own garden.
This also applies to the Juliet balcony.
We also must insist that their main roof at the rear drains onto their property, not ours as currently.
We'd also like details of how they are going to join their flat roof to ours.

Blackburn Park Conservation Society – No comments received.

HS2 – No objections to the proposal.

Issues

Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

Several UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy DM1 - Development Management - Follows the principles advocated in the above and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:

- o Appropriate Siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 - Spatial Principles. States that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported.

Policy EN3 – Heritage. States that development proposals should preserve and enhance the City's heritage assets, including its listed building, monuments and conservation areas.

The National Planning Policy Framework (NPPF) - The NPPF was published on the 27 March 2012 and revised in June 2019. It replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government and is a material planning consideration in the determination of planning applications.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Unitary Development Plan (UDP)

The UDP has been superseded by the Core Strategy Development Plan, however, some policies have been saved and are still considered as part of the planning process. Policy DC1 for Residential Extensions is still considered of relevance and states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- o the general character of the property,

- o the effect upon the amenity of neighbouring occupiers,

Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- o they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);

- o they do not create an undue loss of sunlight, daylight or privacy;

- o they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;

Saved UDP policy DC26 seeks to limit the impacts of noise generating development in the interests of residential amenity.

DC18 for Conservation Areas is concerned with development within conservation areas and:

- o the relationship of new structures to neighbouring buildings and spaces;

- o the effect of major changes to the appearance of existing buildings

Principle

The extension raised terrace and garden room are all acceptable in principle subject to satisfactory impacts on residential and visual amenity. The title was amended since validation to remove a rear roof terrace which would be formed from the flat roof, similar to that at the adjoining property, No.20 and from where an objection was raised on notification.

Residential Amenity

Since removal of the proposed use of the flat roof as a terrace with balcony and privacy wall, the proposal will have an acceptable impact on residential amenity. The first-floor extension



creates a bathroom with a width of 1.486 metres and depth to 4.519 metres, to be level with the rear of the projecting gable. A window is only proposed on the rear elevation which will be obscurely glazed.

A condition is also attached stating that the flat roof shall not be used for any recreational activities associated with a terrace and that no balcony shall be erected.

Both the Council and the adjoining occupier had concerns with this element of the original scheme which, even with the proposed 1.8-metre high privacy wall between bedroom windows, would not have been adequate to ensure that there was no noise and disturbance to the adjoining occupier and so would not have met the test to ensure that development did not give rise to any new noise generation, as required in saved UDP policy DC26. The wall in this location was also considered to be unneighbourly.

The presently sloping tiled roof will be raised slightly to be flush with the adjoining roof with a deep fascia to match. A skylight in the kitchen below will be inserted in the roof.

The other aspects of the proposal, raising the existing patio by a negligible 200mm and erecting a garden room for use as a gym with hot tub, are considered acceptable and will not give rise to any new and detrimental impacts on residential amenity. Further details on the garden room are discussed in the section on visual amenity below.



The total height of the patio will be 536mm above ground level which, with the 1.8-metre high fence in situ on the boundary, will be sufficient to avoid any intrusive overlooking into the adjoining neighbour's property.

The adjoining neighbour has raised a concern about the Juliet balcony. However, this is in situ already and by reason of its forward projection, absence of any external floorspace and siting well off the common boundary, is considered to have acceptable impacts on residential amenity.

Visual amenity

Although contained entirely within the rear curtilage with no visibility from within the conservation area, the extension has been designed to fit the aesthetic of the existing dwelling. It will be built out off the side elevation of the projecting gable and will nestle under the deep sloping roof which will extend over the extension to appear seamless with the gable. The rear elevation of the gable will appear wider but only marginally and will remain subservient to the original dwelling as required in saved UDP policy DC1.

The elevations will be finished in white render with interlocking tiles to match the original, whilst the flat roof fascia will align with that of No.20 in depth and uPVC anthracite materials, the agent confirming this in revised drawing No.201 Rev C.

The garden room has a height to a flat roof of 2.477 metres, is 7.868 metres long and 3.238 metres deep with full height sliding glazed doors, full height glazed north and west elevations and vertical cedar clad south and east elevations. The flat roof and fascia will match that of the materials for the dwelling which will tie the two elements together. As the garden room is situated on the rear garden boundary and within 1 metre of neighbouring garden boundaries and includes timber clad materials, an Informative relating to fire safety is appended. There are no concerns regarding the visual amenity impacts which will have a positive to neutral impact and therefore preserve the character of the conservation area, in accordance with saved UDP policy DC18 and Core Strategy policy EN3.

Other matters

The adjoining neighbour has asked for details of how the flat roof will be tied into hers. These are civil matters for the applicant to discuss with her neighbour through any Party Wall agreement prior to any building works commencing and cannot be managed or redress sought through the planning system.

Parking and bin storage

Parking and bin storage are unaffected by the proposals in this application.

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 application received one objection on notification and has been amended and approved with appropriate conditions as set out below, in the interests of residential and visual amenity. Any issues arising from the construction and the impacts on the adjoining property are civil matters outside of the planning system.

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 22nd of April 2021 or as stated:

Application form

Existing Plans and elevations Ref: 101

Proposed Plans and Elevations Ref: 201 Rev C received on the 29 June 2021

Design and Access Statement prepared by W-BD

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 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 Householder Application Form.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

4) The first floor en-suite bathroom window in the rear elevation, shown on drawing No.201 Rev C received on the 29th of June 2021, shall be obscure glazed to a specification no less than

Level 5 on 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 properties from overlooking or perceived overlooking in accordance with policy DM1 of the adopted Core Strategy Development Plan Document for the City of Manchester and saved UDP policy DC1.

5) The outbuilding hereby approved shall only be used for purposes incidental to the enjoyment of the main dwellinghouses at 22 Elm Road and shall not be used as a self-contained unit(s) or separate dwellinghouse(s) at any time.

Reason - To prevent any over intensive use of the property and to safeguard the amenity of neighbouring residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) The first floor flat roof area at the rear of bedroom 3 and adjacent to the first floor extension hereby approved as shown on drawing No.201 Rev C received on the 29th of June 2021, shall function as a roof only and shall not be used for any other purpose, including for the purpose of recreation associated with any use of the roof as a verandah or balcony, and shall not include the provision of a balcony or any other raised platform around its perimeter.

Reason - In the interests of residential amenity to protect neighbouring occupiers from overlooking or perceived overlooking, noise and disturbance, in accordance with saved policy DC1 and policy DM1 of the Development Plan for Manchester.

Informative

Building Regulations - Fire Safety

The applicant should ensure that any external elevation wall treatments, including for the outbuilding/garden room approved for planning purposes, are discussed in full with Building Control to ensure they meet with the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with Building Regulations, you should also discuss the changes with the Planning team to ensure they do not materially affect your permission.

Appendix 1 – List of consultees & neighbours notified

Blackburn Park Conservation Society
High Speed Two (HS2) Limited
High Speed Two (HS2) Limited
Blackburn Park Conservation Society

20 Elm Road, Manchester, M20 6XD
25 Elm Road, Manchester, M20 6XD
27 Elm Road, Manchester, M20 6XD
24 Elm Road, Manchester, M20 6XD
23 Elm Road, Manchester, M20 6XD
2 Pine Road, Manchester, M20 6UY

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
Conservation Area - Blackburn Park Conservation Area 1979
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH