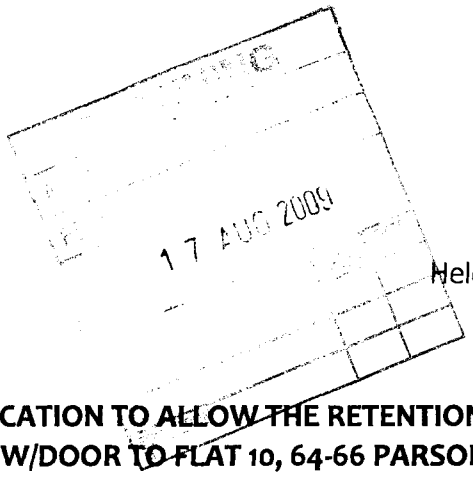
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13 August 2009

EPP ref: L20-6800-HL

Contact: Helen Leggett
Direct dial: 01625 442781
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Dear Sir/Madam

RE: PLANNING APPLICATION TO ALLOW THE RETENTION OF A BALCONY AND DORMER WINDOW/DOOR TO FLAT 10, 64-66 PARSONAGE ROAD, MANCHESTER, M2 4WR.

This application seeks planning permission to allow the retention of a balcony and dormer window/door at the above property. The application is submitted in response to a letter received from Mr Adam Neil, planning enforcement team leader, dated 15 July 2009 and the prior withdrawal of an enforcement notice issued by Manchester City Council.

In accordance with Mr Neil's letter the application proposes the erection of a 1.8m high glazed screen to the perimeter of the balcony. The letter advises that this course of action is considered acceptable to overcome the local planning authorities concerns in relation to the existing structure. The works were undertaken by the developer of the whole development not the current owner and occupier.

Enclosed with this letter are the following documents which form part of the planning application:

1. Planning application forms and Certificate A;
2. Location plan;
3. Site plan;
4. Elevation of balcony plan; and
5. Planning application fee for £170.00.

We should be grateful if you would give full consideration to the matters set out below.

1. The Site

The application site is located to the south of Manchester, within an urban area to the east of Withington District Centre. The site fronts onto Parsonage Road and is abutted to the west by Alan Road.

The development, the subject of this planning application, relates to a balcony and dormer window/door accessed from Flat 10 of the apartment block. Flat 10 forms one dwelling within a building comprising 10 flats.

The balcony area is accessed by a glazed door which leads from a small flight of stairs within the flat. The balcony has solid brick sides with its extent to the southern boundary marked by railings.

2. Details of the Application

This planning application is submitted for the retention of the balcony that was constructed at the time of the conversion of the building. Planning permission is sought, retrospectively, for the retention of that balcony and dormer window/door.

3. Planning Policy

The principle policies in the determination of this application are taken from the Manchester City Council Unitary Development Plan ("UDP"). These policies are:

- Policy H2.2;
- Policy DC1.1;
- Policy DC1.2; and
- Policy DC1.3.

4. Planning Considerations

The applicant seeks planning permission to retain a dormer window and modest balcony area to the rear of the building. The balcony is accessed directly from Flat 10 and is used by the residents of that flat only. It is partly contained within the roof space whilst partly projecting from the rear roof plain. The balcony in turn is accessed from a dormer which is of sufficient height to encompass double doors. The extent of the balcony is limited by a part brick and part railing boundary.

The roof of the dormer is constructed from slate to match the existing roof and to help assimilate its appearance within the general mass of the roof. The doors of the dormer are manufactured from wood and are stained the same colour as the other fenestration of 64/66 Parsonage Road.

The balcony was a feature that was not indicated on the elevation plans, which were approved in accordance with planning permission 063250/FO/South1/01. The balcony is not the only addition and variation to the approved schemes, other amendments to the building were made during the conversion of the premises including the installation of two further balconies, a dormer window and balcony and erection of a new mono pitched canopy elsewhere on the building. These matters are not considered by this planning application, which relates solely to the balcony and dormer of Flat 10.

The applicant purchased the flat directly from the developer and is now left to resolve this matter. He purchased what he thought was a dwelling which had been developed in accordance with planning permission and building regulations approvals.

Scale and Appearance

Policy H2.2 of the UDP asserts that development that will have an unacceptable impact on residential areas will not be allowed. The policy identifies matters to consider, these include:

> *"the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution".*

The balcony does not have an impact on vibration, traffic generation, road safety or air pollution.

The balcony and dormer are not readily visible from public vantage points. In fact, due to the positioning of the balcony, it is not readily visible when viewed from the highway. Where views of the balcony and dormer are possible, both the materials used and its appearance are unassuming. The development is discrete and is consistent with the general scale and appearance of the building.

In any event, the Officer report associated with planning application ref: 076423/FO/2005-S1, contends that:

> "The balconies and proposed open canopy porch would add visual interest to the property and are not considered to be detrimental to the visual amenity of the area. The design and external appearance of these proposals is considered to be acceptable." (My emphasis)

Residential Amenity

It is acknowledged that if one stands on the balcony and leans over the railings and looks in the direction of No.68, at this moment in time, part of the garden can be seen. This matter is not disputed; however, there is not sufficient loss of privacy to result in a refusal of planning permission.

The applicant uses the balcony for drying clothes and sitting out. When he sits out, the design of the balcony, the height of the roofs below and the existing vegetation within the adjacent garden, does not easily afford views of No.68 and does not compromise the privacy of the residents of No.68.

The application site and in particular No.68, are properties located within residential streets that benefit from large and often grand properties. A number of the premises within the locality have been converted into flats or are in multiple occupation use. By their very nature room configurations are different and the properties have habitable room windows, such as lounges and bedrooms, or in some cases kitchens with views to the rear of the properties. The configuration of such premises results in residents having the ability to overlook rear gardens. This is a common characteristic of urban living.

Although as set out above in our view the balcony as existing is not detrimental to residential amenity in order to regularise the situation and to address the Local Planning Authority's concern in respect of overlooking. In accordance with advice given by the planning enforcement officer the erection of a 1.8m opaque screen around the balcony is proposed. The screening would be installed to two sides, the front and side and would address any concerns regarding perceived overlooking.

The screen would prevent views out of the balcony, however, it would still allow light to penetrate the balcony area so that the applicant could usefully use this area. The screen would mitigate any potential for overlooking and given its position it would not be readily visible from public vantage points and therefore would not harm the visual amenity of the street scene.

Policy DC1.1

The principle policies for the determination of this proposal fall within the district wide development control policies of the UDP, namely DC1.1 and DC1.2. The proposal is therefore assed below in light of the criteria attached to Policy DC1.1.

a) The general character of the property

As advised, the balcony/dormer are not readily visible and, as stated by the LPA, it adds visual interest to the building.

b) The impact upon the amenity of neighbouring occupiers;

This matter has previously been considered above.

c) The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;

The balcony allows the applicant to further enjoy his flat and affords him certain amenities, such as an outdoor drying and private seating area. This is a significant benefit to a top floor access.

d) The overall proposal in the street scene;

As set out above the balcony/dormer are not readily visible from public vantage points and, as stated by the LPA, it adds visual interest to the building.

e) The effect of the loss of any on-site car parking."

The proposal has not resulted in a loss of car parking.

5. Summary

This application seeks to regularise the existing dormer window/balcony and proposes the addition of an obscure glazed screen to the perimeter of the balcony in order to mitigate any potential overlooking.

The screening and balcony would not readily be visible from public vantage points, would have no impact on the street scene, and would not harm the character of this area of Withington.

It is our assertion that the balcony does not result in a loss of amenity and that no harm would result from its retention. However, the glazed screen proposed would offer reassurance to the adjacent residents.

The proposal therefore meets the requirements of the relevant policies of the UDP and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, planning permission ought to be granted as there are no other material considerations to indicate otherwise.

Should you have any queries with regard to this planning application, please do not hesitate to contact the writer.

Yours sincerely
EMERY PLANNING PARTNERSHIP LTD

Helen Leggett BSc (Hons) MSc MRTPI
Senior Consultant

Enc: Application

Copy to: Client