MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	142620/FH/2025
Date registered valid:	3 April 2025
Proposal:	Part retrospective application for a rear dormer extension including hip to gable extension, two storey rear extension, first floor side extension and front porch
Address:	227 Mauldeth Road, Manchester, M19 1AB
Ward(s):	Burnage Ward
Applicant:	Mr N Shazad
Agent (if any):	Lynsay Ewart Paul Butler Associates
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 May 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 May 2025

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 23 April 2025 Expired: 15 May 2025

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 relates a two-storey semi-detached dwellinghouse with a hipped roof. The property is located adjacent to the Burnage Cricket club, which shares a boundary with the property and No.1 Brookthorpe Avenue.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is characterised as primarily a residential area, there are local services and amenities provided by shopping parades on Mauldeth Road and Burnage Lane.

The area also contains Kingsway which is one the main highways into the City Centre.

Description of development

The applicant is seeking planning permission for a rear dormer extension including hip to gable extension, two storey rear extension, first floor side extension and front porch

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – One representation has been received objecting to the application, a summary of the comments received are as follows:

Encroachment and Guttering Overspill

- Extension built directly up to the boundary wall.
- Guttering overhangs into objector's airspace, causing water damage.
- Unclear if revised plans address this issue.
- Request for confirmation that:
    - No guttering will overhang or discharge into objector's airspace.
    - All drainage remains within applicant's boundary.

Loss of Light and Diminished Amenity

- Noticeable reduction in natural light to dining room.
- Impact is measurable and affects daily living.
- Consequences include:
    - Reduced enjoyment and potential devaluation of property.
    - Overshadowing of rear garden, especially in afternoons/evenings.
    - Decking area now feels enclosed and oppressive.
- Suggestion that a greater setback might have mitigated the issue.

Misleading Reference to 231 Mauldeth Road

- Applicant references a similar extension at 231 Mauldeth Road.
- That extension was refused in 2019 due to design and visual impact.
- Applicant likely aware of this refusal
- Current design is similarly inappropriate and was also refused in 2024.
- Using 231 as justification is unreasonable.

Harm to the Street Scene and Character

- Lack of clarity on how revised plans differ from previously refused ones.
- Concerns include:
    - Visual imbalance of semi-detached pair.
    - Inconsistency with surrounding area's character.

Overbearing Impact and Loss of Value

- Extension is overbearing due to its scale and proximity.
- Dominates views from home and garden.
- Reduces quality of life and potentially property value.

Legislative Issues

National Policy

National Planning Policy Framework (NPPF)

The NPPF (updated December 2024) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e., the Core Strategy Development Plan Document (2012) and

accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 of the National Planning Policy Framework (NPPF) emphasizes a presumption in favour of sustainable development. For decision-making, this means:

- Approving development proposals that align with an up-to-date development plan without delay.
- Where there are no relevant development plan policies, or the key policies are out-of-date, granting permission unless:

1. Policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal.
2. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole

Regional Policy

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st of March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

JP-S1: Sustainable Development

Focuses on ensuring that all new developments contribute to sustainable development. This means balancing social, economic, and environmental objectives to create resilient and thriving communities.

JP-P1 Sustainable Places

Aims to create places that are not only sustainable but also resilient, safe, and capable of adapting to major environmental and economic changes. This policy emphasizes the importance of designing out crime, reducing opportunities for anti-social behaviour, and ensuring that developments make appropriate provisions for emergencies.

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

DM1 – Development Management 1

Focuses on ensuring high-quality design in new developments. It sets out criteria to assess the design, scale, and appearance of proposals to ensure they enhance or create character and protect the built environment. Key considerations include:

- **Design Quality**: Ensuring developments are visually appealing and contribute positively to the local area.
- **Context Appropriateness**: Making sure the design, scale, and appearance are suitable for the surrounding context.
- **Sustainability**: Promoting sustainable design and construction practices.
- **Amenity Protection**: Safeguarding the amenity of existing and future occupants

The relevant UDP policies for this application are:

DC 1.1 – 1.4 – Residential Extensions

Focus on residential extensions and set out criteria for assessing proposals.

The Guide to Development in Manchester SPD

Adopted in 2007, the SPD provides comprehensive planning guidance to support and enhance the development of the city. For example, the SPD aims to ensure attractive, well-designed, and well-maintained neighbourhoods that support sustainable development and community well-being.

Planning History Summary – There have been four previous approved planning applications at this property:

Planning Application: 104529/FH/2013/S2 – **Approved** on the 12.02.2014 for a two storey rear and first floor side extension together with conversion of loft to provide additional living accommodation

Planning Application: 101459/FH/2013/S2 – **Approved** on the 20.05.2013 for a first floor side extension and a part two storey part first floor rear extension

Planning Application: 114611/FH/2016 – **Approved** on the 09.02.2017 for a part two, part three-storey rear extension and part single-storey side, part first-floor side extension to provide additional living accommodation

Planning Application: 124787/FH/2019– **Refused** on the 01.02.2024 for the erection of part two, part three-storey rear extension and part single-storey side, part first-floor side extension including hip to gable roof extension to provide additional living accommodation

Enforcement History Summary - There have been one enforcement notice issued at this property:

Reference: ENF/15747/24 – Issued on the 17.06. 2024 for the alleged breach of planning control - Without planning permission, the erection of a first-floor extension to the side and a part single storey/part two storey/part three storey extension to the rear.

Enforcement Matters

As outlined in the planning history of the property the site is the subject of an enforcement notice for the alleged breach of planning control, the erection of a first-floor extension to the side and a part single storey/part two storey/part three storey extension to the rear without planning permission.

> In its reasoning for issuing the enforcement notice, the Council considers that it is expedient to issue this notice because the unauthorised development has an unacceptable impact on the streetscene, visual amenity from neighbouring properties and the character and appearance of the surrounding area. It also unbalances the pair of semi-detached dwellings and appears out of character with the original dwellings in the surrounding area, particularly when viewed from the front and rear. In addition, the development, by virtue of its proximity to the shared boundary with 229 Mauldeth Road, together with the scale, bulk and massing of the extension, has an overbearing impact upon the occupiers of no. 229 and causes a loss of light and outlook, to the detriment of residential amenity.
>
> The development is considered to be contrary to policies SP1 and DM1 of the core strategy, saved Unitary Development Plan policy DC1, policy JP-S1 of the Places for Everyone Joint Development Plan and contrary to guidance contained in the National Planning Policy Framework.

The enforcement notice required the following to take place within 12 months from when the notice took effect on the 26 July 2024.

1. Demolish the first-floor extension to the side and the part single storey/part two storey/part three storey extension to the rear, as shown in the attached photographs ENF/01 and ENF/02.

2. Reinstate the side and rear of the property to its condition before the breach took place, including the hipped roof at the side, as shown in the attached photographs ENF/03 and ENF/04, using similar materials in terms of size, texture, colour and appearance.

3. Remove from the land all building materials, rubble and waste resulting from carrying out the above.

The proposal is considered to have addressed the concerns raised within the enforcement notice as set out below within the main section of the report.

It is also noted that Section 180 of the Act sets out that where, after the service of an enforcement notice, is planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. In this instance, planning permission is sought for a first-floor side extension, which as previously been enforced against. If the Council were to grant planning permission for the proposal, then the enforcement notice will cease to have effect in relation to this element. The rest of the proposal is for the retention of the front porch, together with the part-retention of the unauthorised part two/part three storey rear extension. Details of this are elaborated on below.

The 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 Unitary Development Plan for the City

of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The applicant is applying for a part two, part three-storey rear extension and part single-storey side, part first-floor side extension including hip to gable roof extension to provide additional living accommodation.

This application shares some similarities to the previous approved application at the site (114611/FH/2016 and 101459/FH/2013/S2), therefore the principle to extend at the side, rear and in the roofspace at this property has been established.

In this case, the applicant seeks to retain elements of the part single-storey/part two-storey rear extension and rear dormer built without prior planning permission and to approve the proposed works.

To assess the proposal's acceptability, considerations will be given to residential and visual amenity, particularly the effect on neighbouring occupiers, will be evaluated.

Finally, any other matters raised in response to the notification letter, which have not been addressed in the previous sections of the report, will be discussed.

Residential and Visual Amenity

In the previously refused application (Ref: 124787/FH/2019), while the principle of a dormer and rear extension was considered acceptable within the broader context and supported by several similar developments in the area, the scale and massing of the proposal stood out as excessive. In particular, the three-storey rear extension and the dormer’s integration created a bulky and disproportionate addition when compared to neighbouring properties.

The combined roof elements resulted in a composition that failed to respect the original character of the property, representing a poor standard of design. The dormer, in both form and scale, appeared overly dominant and incongruous in relation to the host building and surrounding context.

In response to these concerns, the applicant has submitted revised proposals aimed at addressing the previous reasons for refusal.

Images 1 and 2 illustrate a comparison between the as-built rear (north) and side (west) elevations. While the changes at first glance may appear subtler from the rear, the side elevation clearly demonstrates a significant reduction in the overall bulk and scale of the extensions. Notably, the dormer has been reduced in size and repositioned to sit more comfortably within the original roof form. Additionally, the first-floor rear extension has been set back by over a metre from the shared boundary with 229 Mauldeth Road, thereby lessening its impact on the neighbouring property.

The rearward projection of the two-storey rear extension now measures just over 2.9 metres. This remains within the limits set by saved Policy DC1 of the UDP which permits a maximum projection of up to 3.65 metres.

Furthermore, the increased separation from the shared boundary at first floor level, combined with the modest rearward projection, the north-facing orientation of the rear elevation, and the

use of a hipped roof design, all contribute to mitigating the previous concerns. These revisions help to address the issues of overbearing impact and reduction in daylight to neighbouring properties in particularly 229 Mauldeth Road.

In terms of privacy, the submitted drawings show no proposed windows on the side elevation facing the shared boundary with 229 Mauldeth Road. To ensure continued protection of privacy, it is recommended that a condition be imposed removing permitted development rights for the insertion of any new openings on the east-facing elevation of the development. This would ensure that the privacy of the occupants of 229 Mauldeth Road is safeguarded in the future.
With regard to the Juliet balcony and dormer windows, while they do provide views toward the rear, the garden of 229 Mauldeth Road is positioned at an obtuse angle relative to these openings. As such, the level of overlooking is broadly comparable to that of a typical first-floor rear-facing window and is not considered to result in an unacceptable loss of privacy.

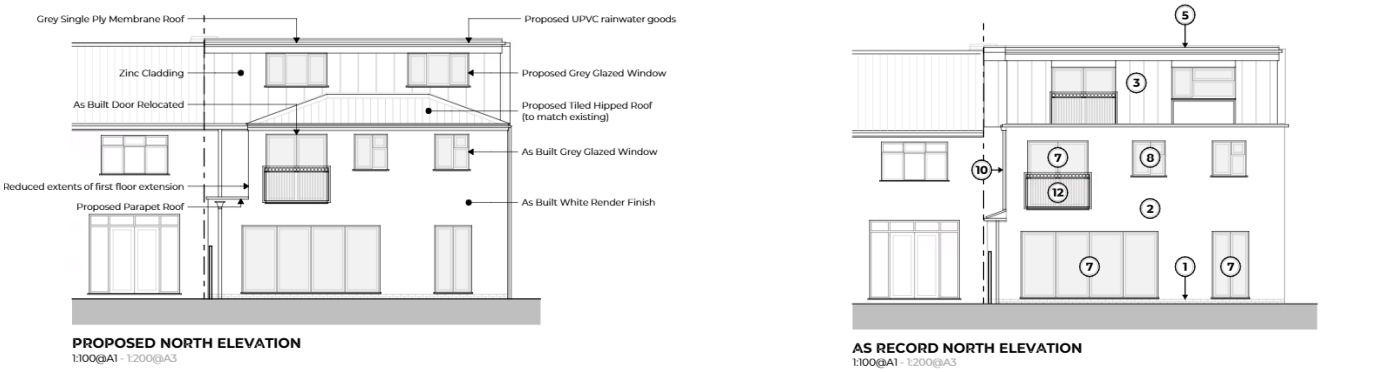


Image 1 Comparison between the proposed rear elevation (North) and the as built (recorder) rear elevation.

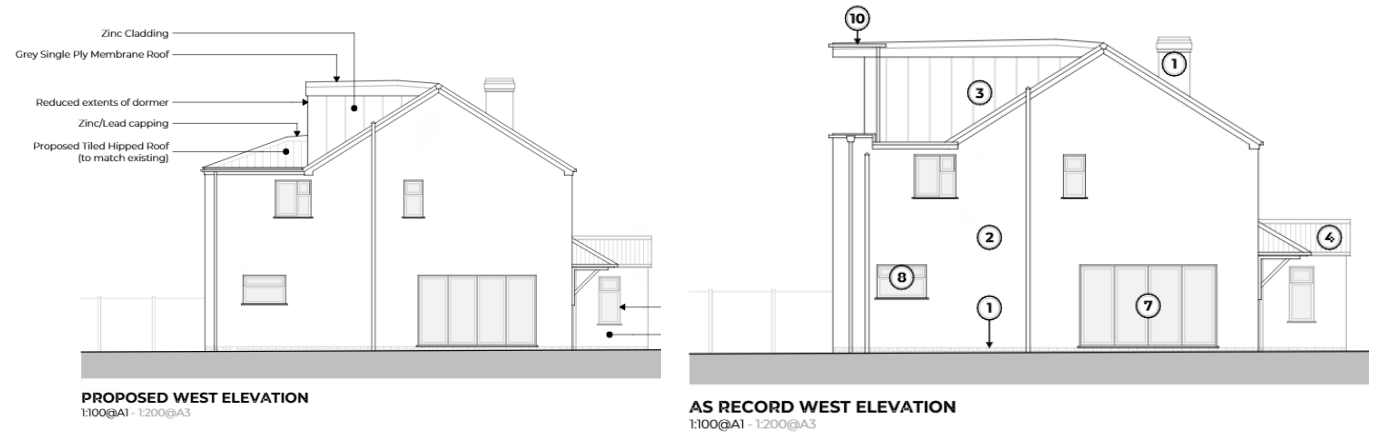


Image 2 Comparison between the proposed side elevation (West) and the as built (recorder) side elevation.

At the side (facing the former cricket pitch and hardstanding), the applicant is seeking to retain the first-floor side extension with a gable-end roof. When viewed from the streetscene, and in conjunction with the revised elements described above, it is considered that the proposal would not result in a development that is overbearing, excessively bulky, or likely to cause overshadowing. The scale, siting, and massing of the side extension are now more in keeping with the character of the original dwelling and the surrounding context.

In this regard, the proposed changes are considered to comply with Policy SP1 and DM1 of the Core Strategy, as well as saved Policy DC1 of the Unitary Development Plan

The applicant also proposes to retain the white render, grey roof tiles, and grey windows and doors across the property. While these materials, when combined with the original scale of the extensions, previously contributed to an incongruous appearance at the rear, further reflection reveals that these finishes would not have required planning permission individually. White render was already present on the property, and the use of grey roof tiles and fenestration would have been permitted development. Taking this into account alongside the significant reduction in scale and massing the materials are no longer considered to have a negative impact on the streetscene.

The revised proposal would address the concerns raised in relation to overbearing impact, loss of daylight, and privacy, as discussed above. While the submitted drawings do not explicitly confirm that guttering and drainage are contained entirely within the applicant's boundary, they do clearly show that none of the proposed extensions encroach into the curtilage of any neighbouring properties.

This suggests that all built elements, including rooflines, are confined to the applicant's land. However, for the avoidance of doubt, it is recommended that a condition be imposed to ensure that no part of the guttering or drainage system overhangs or discharges into adjacent properties.

Other Matters

Car Parking – As with the previous applications car parking would be unaffected by the proposal as the driveway would still leave space for one vehicle to be stored off road. Furthermore, there are no restrictions on the public highway.

Refuse Storage – Bins are still capable of being stored at the side and rear of the property.

What are material planning consideration (Value/Loss of light) – A material planning consideration is one which is relevant to making the planning decision in question, however whilst the scope of what can constitute a material consideration is very wide.

However, the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light cannot be material considerations as confirmed by paragraph 008 (Reference ID: 21b-008-20140306) of the Planning Practice Guidance, the relevant guidance for determining a planning application.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

Drawing Reference 0300 Revision E

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 external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Reference 0300 Revision E.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings shall be installed in the side elevation facing 229 Mauldeth Road (East Elevation).

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

Hairdressing Salon, Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
229 Mauldeth Road, Manchester, M19 1AB
Burnage Cricket Club, Kingsway, Manchester, M19 1AL
224 Mauldeth Road, Manchester, M19 1AU
222 Mauldeth Road, Manchester, M19 1AU
220 Mauldeth Road, Manchester, M19 1AU
1 Brookthorpe Avenue, Manchester, M19 1AD
226 Mauldeth Road, Manchester, M19 1AU
247A Kingsway, Manchester, M19 1AL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA