

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141442/FH/2024
Date registered valid: 5 March 2025
Proposal: Erection of a part single, part two storey side extension together with the installation of a rear roof dormer.
Address: 77 Birchfields Road, Manchester, M13 0XX
Ward(s): Rusholme Ward

Applicant: Mr Sharif
Agent (if any): Mr DK Seddon Howard & Seddon ARIBA
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 23 July 2025



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 April 2025

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 March 2025 Expired: 15 April 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/area

77 Birchfields Road is a part single/part 2 storey semi-detached dwellinghouse, with hardsurfaced parking area and ancillary landscaping to the front and a rear garden at the rear. A single storey outbuilding is located along the rear boundary of the site.

To the north and east of the site there are residential properties and the same can be said to the west, on the opposite side of Birchfields Road. To the south of the site there are a number of commercial properties which front Meldon Road.

The site has been subject to a significant number of applications. The last three were either returned or marked as “*Declined to Determine*”, due to ongoing enforcement action as a previous approval had not been implemented in accordance with the approved drawings.

- 138445/FH/2023 - **Declined to determine** application. Erection of a part single-storey, part two-storey side/rear extension together with a hip to gable roof alteration and installation of a rear roof dormer.
- 135044/FH/2022 - **Application Returned**. Part first floor side extension and part first floor rear extension to create additional living spaces and enable floor lift for disabled access. (Part retrospective).
- 134157/FH/2022 - **Declined to determine application**. Erection of a part single-storey, part two-storey side/rear extension.
- 131152/FH/2021 **Application Approved** - 21.09.2021. Erection of single storey and part two storey side extension and single storey rear extension to provide additional living accommodation.
- 130364/FH/2021 **Application Refused** - 02.07.2021. Retention of part single storey, part two storey side/rear extension with balcony to provide additional living accommodation.
- 125479/FH/2019 **Application Approved** - 29.04.2020. Erection of a single storey side extension, hip to gable roof alteration and installation of a rear dormer to create additional living accommodation.

Listed building:	No
Conservation area:	No
Tree Preservation Order:	No

Description of development

The applicant is proposing to erect a part single/part two storey side extension together with the installation of a rear roof dormer.

Consultations & Notification Responses

Local Residents – No comments received.

Policies

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as

possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Saved UDP Policies – Policy DC1, *Residential Extensions*. – Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a) the general character of the property;
- b) the effect upon the amenity of neighbouring occupiers;
- c) the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d) the overall appearance of the proposal in the street-scene;
- e) the effect of the loss of any on-site carparking.

Policy DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a) 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);
- b) they do not create an undue loss of sunlight, daylight or privacy;
- c) 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;
- d) they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Policy DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a) rearward extensions greater than 3.65m (12 ft) in length;
- b) 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c) 2-storey extensions to terraced properties which occupy the full width of the house;
- d) flat roofed extensions to bungalows;
- e) extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.4 states that in considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a) the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b) the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c) the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy.

Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Issues

Principle of the Proposal – The applicant is attempting to regularise a number of outstanding matters (e.g. removal of the element circled below) as well as provide accommodation for a disabled relative. As such, the principle of the proposal is considered acceptable. Notwithstanding this, the impact upon the existing levels of residential and visual amenity enjoyed by adjoining residents must be assessed.



Design – The applicant had undertaken a number of extensions to the property without the benefit of planning permission, those extension are highlighted below:



Following the implementation of enforcement action the applicant is now proposing to erect a part single/part two storey side extension, as well as a rear dormer extension.



These extensions are more traditional in design and reflect the existing character of 77 Birchfields Road. The design of the side extension, which would be constructed from matching materials (brick, render and matching tiles), is considered acceptable.

The dormer would be constructed from composite cladding, a material not uncommon in this part of south Manchester. Accordingly the design of the dormer is also considered acceptable.

To ensure that the materials are acceptable, a condition requiring their sign-off is suggested in this instance.

Residential Amenity – Given the siting and massing of the proposed extensions, it is not considered that they would subject any adjoining properties to undue overshadowing. In addition, given the orientation of the side extension and dormer extension and the location of windows in both, it is not considered that the development would lead to undue overlooking and an associated loss of privacy.

As a result, it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of those dwellings that adjoin the site.

Visual Amenity – Given the design of the proposed extensions it is not considered that the development would have an unduly detrimental impact upon the levels of visual amenity enjoyed by the occupants of the adjoining dwellinghouses.

Pedestrian and Highway Safety – The proposal would not reduce the number of off-street parking spaces available to the residents of no. 77 Birchfields Road. As the scheme would not lead to an increase in the instances of on-street parking, it is considered that the proposed

extensions would not have a detrimental impact upon the levels of pedestrian and highway safety currently enjoyed along Birchfields Road.

Enforcement Action – Approval of this proposal would not prejudice the implementation of the Enforcement Notice issued in respect of the unauthorised extensions. Should the applicant fail to remove the unauthorised extension within the timeframe detailed in the Enforcement Notice then further action would be taken to resolve the matter.

Conclusion

In summary, the principle of the proposal is considered acceptable, particularly in light of the applicant's intention to regularise previous unauthorised works and provide essential accommodation for a disabled relative. The proposed extensions represent an improvement in design quality compared to the unauthorised elements and are sympathetic to the character of the existing dwelling. Furthermore, the development is not anticipated to result in any undue harm to the residential or visual amenity of neighbouring properties, nor would it compromise pedestrian or highway safety. Approval of the application would not undermine the enforcement process, which will continue to be pursued in relation to the unauthorised elements. Subject to conditions, including the approval of materials, the proposal is therefore recommended for approval.

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 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 supporting information:

- A) LOCATION PLAN, RECEIVED ON 5 MARCH 2025
- B) DRAWING 03E - FLOOR PLANS, RECEIVED ON 14 JANUARY 2025
- C) DRAWING 04G - ELEVATIONS, RECEIVED ON 22 JULY 2025
- D) DRAWING 07D - SITE PLAN, RECEIVED ON 31 JANUARY 2025
- E) DRAWING 09C - AS BUILT SITE PLAN, RECEIVED ON 31 JANUARY 2025
- F) DESIGN AND ACCESS STATEMENT, RECEIVED ON 14 JANUARY 2025

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

3) Prior to the commencement of above ground works, samples of the materials to be used in the construction of the development hereby approved shall be submitted to and be approved by the City Council as Local Planning Authority. The development shall be implemented and thereafter maintained in accordance with the approved materials.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved UDP Policy DC1 and Policies DM1 and SP1 The Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Flat At, 9 - 11 Meldon Road, Manchester, M13 0TZ
1A Meldon Road, Manchester, M13 0TZ
Top Flat, 7 Meldon Road, Manchester, M13 0TZ
1A Copthorne Crescent, Manchester, M13 0RA
5A Meldon Road, Manchester, M13 0TZ
3 Meldon Road, Manchester, M13 0TZ
8 Birchfields Road, Manchester, M13 0XR
6 Birchfields Road, Manchester, M13 0XR
2 Birchfields Road, Manchester, M13 0XR
5 Meldon Road, Manchester, M13 0TZ
9 - 11 Meldon Road, Manchester, M13 0TZ
1 Meldon Road, Manchester, M13 0TZ
7 Meldon Road, Manchester, M13 0TZ
4 Birchfields Road, Manchester, M13 0XR
75 Birchfields Road, Manchester, M13 0XX
73 Birchfields Road, Manchester, M13 0XX

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) -
Area Team Boundary - Name: SOUTH AREA