

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 143123/NMC/2025

**Date registered valid:** 9 June 2025

**Proposal:** Non-material amendment to planning permission referenced: 121891/FH/2018 amended by 125140/NMC/2019 relating to the removal of windows and doors to the basement, reconfiguration and re-siting of a single storey rear extension, removal of raised external decking, canopy and balustrades, reconfiguration of upper floor windows, associated raising of ground levels and revisions to the internal layout.

**Address:** 29 Whalley Road, Manchester, M16 8AD

**Ward(s):** Whalley Range Ward

**Applicant:** Mr Usman Ali

**Agent (if any):**

**Case officer:** Carl Glennon  
Tel: 0161 234 4530  
Email: [carl.glennon@manchester.gov.uk](mailto:carl.glennon@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 1 July 2025

## **Application details**

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** N/A

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

No neighbour notifications have been printed and sent.

### **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**

**Listed building:** Not applicable

**Conservation area:** Whalley Range Conservation Area 1992

**Tree Preservation Order:** No

## **Description of area**

This application relates to a characterful house with a bay to its front elevation. It is constructed in red brick elevation and a slate pitched roof. It is situated on the north-east junction of Whalley Road and Rufford Road. The property is surrounded by garden areas.

## **Site history**

i. 125140/NMC/2019: Approved - 11.11.2019

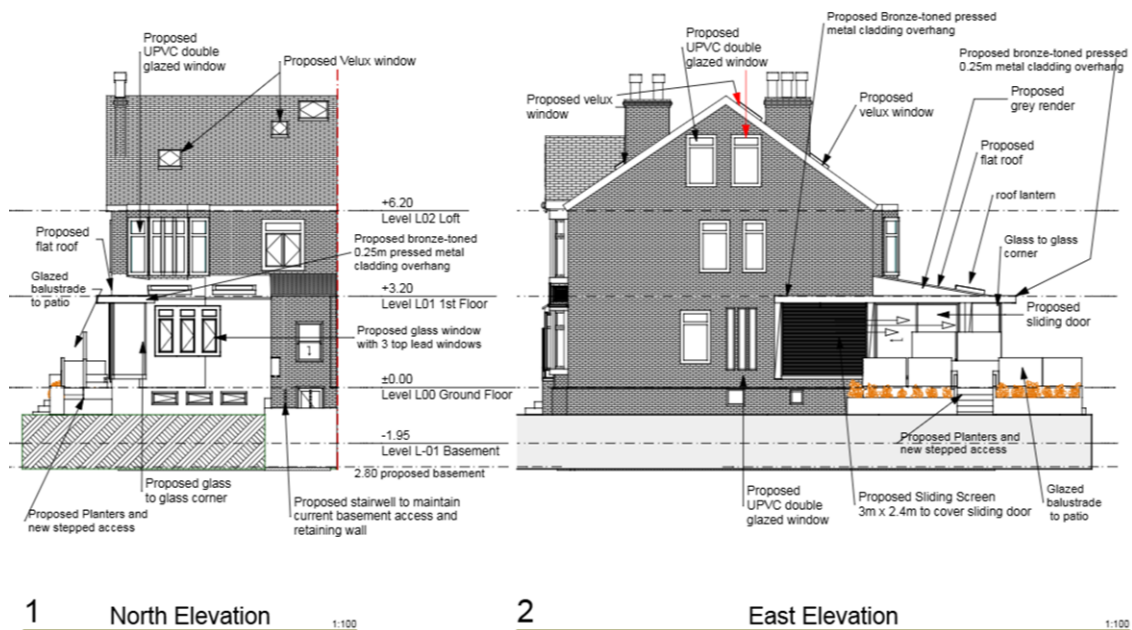
Non-Material Amendment to planning permission 121891/FH/2018 to allow for the removal of two windows (gable end and front basement)

ii. 121891/FH/2018: Approved - 09.07.2019

Erection of a basement, ground and first floor rear extension, alterations to the elevations and formation of a raised terrace to side and basement access to the rear

## **Description of development**

The elevations and layout drawings approved 125140/NMC/2019 are shown at Fig.1:



The proposed changes are indicated in Fig.2 and Fig.3 and involve:

#### Basement –

- i. Removal of rear entrance to basement.
- ii. Omission of cinema room and repositioning of WC.
- iii. Omission of windows to the rear elevation of the basement.

#### Ground floor –

- i. Removal of external raised decking, canopy and balustrades to the side and rear of house.
- ii. Removal of glazed canopy detail and incorporated sliding doors and screen.
- iii. The removal of three grouped windows to the ground floor side elevation.

The proposed works would involve:

- i. The formation of a single storey extension that would align with the side wall of the existing side wall.
- ii. The extension would have a lean-to (sloping) roof, which would result in the reconfiguration of its plane. The siting of the height of the extension would be affected by the related changes to ground levels. The proposals would give the rear extension a ridge line of 4.5 metres and 2.35 metres and a rearward projection of 4.5 metres. The width of the extension would increase from 5.62 metres to 6.27 metres. A pair of windows in the roof planes would be repositioned as part of the amendments.
- iii. The rear elevation (of the extension) would incorporate double patio doors and a single leaf door.

#### Second floor (roof space)

- i. Changes to the design to the frame design to a pair of windows in the side elevation.
- ii. Reconfiguration of position of windows in the rear roof plane.



Fig.2 – Proposed elevations

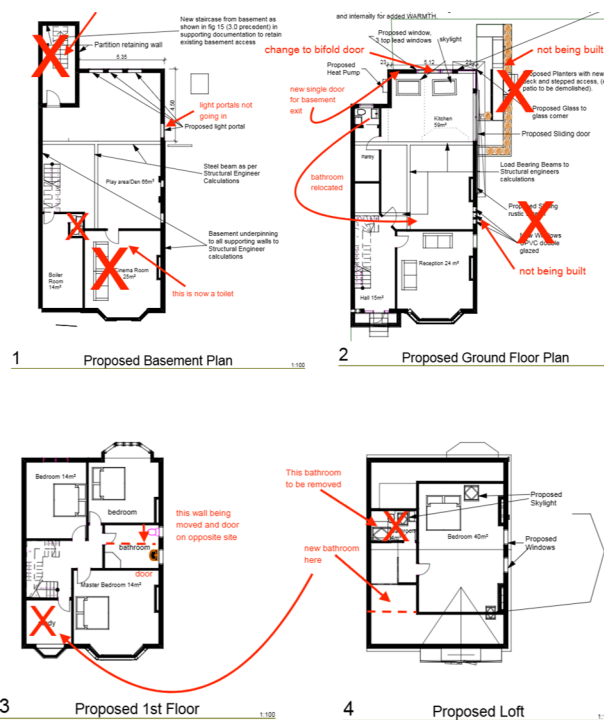


Fig.3 – Proposed internal layout

## Consultations & Notification Responses

Not applicable

## Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. The NPPF states that, to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy that ensures sufficient and appropriate development and supports growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant to the amendments proposed under application ref: 125140/NMC/2019.

- i. Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 96).
- ii. Section 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 131).

The revised development would deliver a positive design response. However, the development would require consideration as part of householder planning application as the revised siting would materially affect the relationship of the development to neighbouring housing. Compliance with sections 8 and 12 would need to be assessed within the context of a new householder planning application.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. The development positively responds to the following aspects of the PPG:

- i. Consultation and pre-decision matters – The required consideration of the proposals through a householder application would ensure the necessary neighbour consultation ;
- ii. Health and well-being.

Places for Everyone (2022-2039) - Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth and took effect and became part of the statutory development plan on 21 March 2024. 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 full weight in the planning balance. The following policies are relevant and would be appropriately responded to:

Policy JP-P1 Sustainable Places - Discusses the importance of development on the character and identity of a locality in terms of design, siting, size, scale and materials used. Whilst the development would deliver positive changes to the development, the extent of the changes would exceed the scope of a non-material amendment.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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. A number of

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.' The following aspects of the Core Strategy are relevant to the assessment of the development:

- i. Policy SP 1 Spatial Principles -
- ii. Policy EN1 (Design Principles and Strategic Character Areas)
- iii. Policy EN19 Waste
- iv. Policy DM 1 Development Management

Unitary Development Plan - The following saved policies are relevant:

- i. Policy DC1 - Residential Extensions

The above policies will have informed the consideration of planning application ref: 121891/FH/2018 and non-material amendment 125140/NMC/2019. Whilst the proposed amendments have the potential to secure compliance with the above policies, the impact of the changes would be so significant that their consideration should be related to a new planning application.

Principle of the development – Work have commenced in relation to planning application ref: 120496/FH/2018. It is understood that these works have not been completed. In these circumstances the proposed changes can be considered as part of a non-material amendment. Whilst the proposal would rationalise the amount of built form, the siting of the rear extension and its roof configuration would materially affect the relationship of the development to the adjoining No 27. The development would also necessitate changes to ground levels to facilitate the siting of the extension. The position of the extension and incorporation of patio doors would affect the relationship of the development to the street viewed from Rufford Road. The proposal presents material changes to the development, which would therefore require planning permission.

Height, scale and massing – The ridge line of the rear extension would have a height of 4.5 metres compared to the previously proposed 4.8 metres. However, to achieve the proposed ridge height ground levels for the side to the rear gardens would need to be raised by approximately 300 mm. These works would change the amount of exposed brickwork to the rear elevation to the basement and would represent an engineering operation requiring planning permission. Such material changes require planning permission.

Siting – The removal of previously proposed built form attached the side elevation would allow the alignment of the existing south-west elevation to be maintained. The rear extension previously had a rearward projection of 5 metres (including the full extent of the canopy). The proposed extension would have a rearward projection of 4.5 metres. However, the impact of the roof configuration and the elevational changes to the extension would materially affect the relationship of the development to No 27. This relationship would be also affected by a reduction in the distance between the siting of the side elevation of the extension to the shared boundary (from 2.28 metres to 1.67 metres) and the inclusion of a parapeted wall. It is that the impact of these changes should be considered and consulted upon as part of a new planning application.

Layout drawings – The amendments to the proposed layout have been related to the drawings approved in relation to ref: 125140/NMC/2019. The changes to the configuration of the internal space have not, therefore, been accurately presented. However, the submitted elevation

drawings provide sufficient detail to allow the relationship of the revised development to its surrounding context to be assessed.

Conclusion – The proposed amendments would materially affect the composition, siting and appearance of the development and its relationship to the surrounding context. The proposed amendments cannot be considered as a non-material amendment and would need to be considered through a new 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 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:** Refuse

### **Article 35 Declaration**

N/A

### **Reasons for recommendation to refuse**

1) The proposed amendments relate to the removal of windows and doors to the basement, reconfiguration and re-siting of a single storey rear extension, removal of raised external decking, canopy and balustrades, reconfiguration of upper floor windows, associated raising of ground levels and revisions to the internal layout.

2) Following an assessment of the details submitted, it is confirmed that the proposed amendments would result in material changes to the development. The City Council considers that the proposed changes would have an impact upon the character of the building, the amenity of neighbouring residents and the visual appearance of the area. As such the proposal

cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

#### **Appendix 1 – List of consultees & neighbours notified**

N/A

#### **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Conservation Area - Whalley Range Conservation Area 1992

Area Team Boundary - Name: SOUTH AREA