

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142339/FH/2025

Date registered valid: 6 March 2025

Proposal: Erection of single storey extension and garage and second floor infill extension

Address: 49 Bilsborrow Road, Manchester, M14 7TH

Ward(s): Moss Side Ward

Applicant: Dr Jawed Ashraf

Agent (if any): Mr Zeeshan Aziz Xiontech

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 28 April 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 March 2025

Standard consultations:

Printed: 19 March 2025 Expired: 9 April 2025

Neighbour notifications

Printed: 14 March 2025 Expired: 4 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to 49 Bilsborrow Road within the south Manchester ward of Moss Side. The application site relates to a new build (see planning ref: 092105/MO/2009/S1), 3 storey, semi-detached dwellinghouse characterised by a curved front elevation and straight rear elevation. The property is characterised by a two storey terrace evident from the streetscene. This results in the property having an 'L' shaped form of development. The property is constructed in red brick and white render. Private rear amenity space is sited to the rear of the applicant site. Further open amenity space is sited to the north east of the site and around the front of the property. To the north of the site sits the entrance to a communal car park.

Description of area

The surrounding area is residential in nature and consists of the Maine Road development. Properties older in age are sited further north to the applicant site.

Description of development

The submitted application seeks planning permission for the erection of single storey extension and garage and second floor infill extension.

The single storey rear extension would encompass the entirety of the private rear amenity space for the applicant. The single storey rear extension would have approximate dimensions of Height: 2.8 x Length: 4.8 x Width: 7.9 metres.

The proposed garage would be attached to the new extension and would be sited to the north east of the site. The garage would be built up to the northern boundary of the site. The garage would have approximate dimensions of Height: 2.8 x Length: 5.5 x Width: 5.1 metres.

The existing second floor balcony would be infilled to create additional living space. It would follow the curved nature of the applicant site.

The proposal would involve the insertion of a window within the proposed second storey infill extension, a personnel door to the side elevation of the garage and a roller shutter for the proposed garage.

The proposed extension and garage would have flat roofs.

Materials to be used have been listed as:

- slate roof
- UPVC windows and doors
- bricks to match existing.

Negotiations during the Course of the Application

During the course of the application, the LPA expressed significant concerns with the proposal. In this instance it is not considered a revised scheme would overcome the concerns raised, without significantly amending the scheme.

The following documents were provided for review:

- Response letter
- Solar radiance and shadow impact
- Radiance impact analysis
- Email from applicant received 28 April 2025 regarding personal circumstances of the family.

The LPA reviewed the information submitted, including an understanding of the applicant's personal circumstances and have reviewed the extensions and development brought to attention via the supporting information. The position and concern of the LPA is not considered to be addressed with such documents. The agent was advised on the LPA's position to determine the application with a recommendation for refusal.

Planning History

ENF/14204/18- Enforcement Enquiry- Material change of use from a dwellinghouse to a house in multiple occupation.
Notice Issued 04.10.2018

Applications relating to the development of Maine Road:

092105/MO/2009/S1- Land Off Maine Road-RESERVED MATTERS APPLICATION for Phase 4 of the Maine Place Development comprising the erection of 42 dwellings (33 x 3 bed and 9 x 4 bed).

Approved 19.05.2010.

The following condition was placed on this decision, which restricts future development as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In order to retain sufficient amenity space for the development in accordance with policy H2.2 of the Unitary Development Plan for Manchester.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted and the following response was received:
The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

The proposed garage will be constructed upon an area of existing garden/driveway, with vehicular access provided via the retention of the existing dropped crossing.

The proposed garage will be 5100mm x 5480mm and is to accommodate a parked car. Further information sought on the internal dimension (including height) of the proposed garage and should be provided on an updated plan.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

Confirmation is sought from the applicant on whether there will be any changes to the boundary treatment. If so, Highways request that a dimensioned plan is provided demonstrating any proposed boundary treatment changes.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Clarification is sought on the location of refuse bins associated with the site. This should be within the curtilage of the site and shown on an updated plan.

Issues

POLICY

The National Planning Policy Framework (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

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 the 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 a street scene;
- e. The effect of the loss of any on-site car parking.

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 original buildings);
- b. They do not create 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 scene by virtue of design, use of materials or construction 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.

DC1.3 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).

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 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:
i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted application seeks planning permission for the erection of single storey extension and garage and second floor infill extension. Extending a residential property, via extensions including rear extensions, garages and infill extensions in order to provide additional living accommodation is usually acceptable in principle. However, in these circumstances, the scheme is considered to constitute overdevelopment of the site, resulting in an overly large structure to the detriment of visual and residential amenity. The development is therefore not acceptable, as the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity and design and appearance.

Whilst letters of response and a solar radiance and shadow impact report and radiance impact analysis was supplied for consideration, the supporting information was not considered to overcome the LPA's concerns.

Residential Amenity

It is noted that the infilling of the second floor balcony is not considered to give rise to any adverse residential amenity implications due to the nature of development and the proposed placement of windows (visual impact is covered later in this report). However, the proposed rear extension and garage is considered to give rise to unacceptable implications.

During the course of the application supporting information was supplied regarding the personal circumstances of the applicant and how the proposed development would support the needs of the applicant. However, a planning fee was made for the application and this information was not declared when the application was submitted. Regardless, the LPA has considered the personal circumstances of the applicant.

Whilst it is understood the applicant requires further living space, there has been no justification provided as to why internal alterations to the property could not overcome such issues. The rear extension does not have any annotations as to the proposed use of the room and how the extension has been designed to best support the needs of the applicants.

The rear extension would cover the entirety of the rear garden. This would result in only a small section of hard landscaping for the applicant's use, as well as the hard landscaping which wraps round the front of the property. This is considered to be insufficient and would adversely impact the applicant's and any future residents' ability to have access to private rear amenity space. Further, the 4.8 metre extension would not be afforded any access to light via the use of rooflights nor windows. This would result in an extension with no ventilation nor light and is considered to create a poor quality environment for the applicant. As such, the extension is considered to create a poor quality living space, whilst being considered over-development of the site and so is considered contrary to Policy SP1 of the Core Strategy.

No.47 Bilsborrow Road, the adjoining neighbour, would perceive the entire 4.8 metre rear extension against the boundary. Due to the neighbour's existing relationship with no.45 Bilsborrow Road, the adjoining neighbour has a tight and constrained rear amenity space. The introduction of the 4.8 metre flat roof extension would increase the sense of enclosure to this neighbour. As a result, the proposal would be considered to create an overbearing feature to the neighbour when utilising their private rear amenity space.

No.45 Bilsborrow Road sits to the south west of the applicant site. They would feel the extension from within their rear amenity space. As the extension would run the entire length of the shared boundary and have a flat roof, it would create an overbearing feature when no.45 utilise their rear garden. It would also reduce the spaciousness as existing between the properties and relate poorly to the existing circumstances of the estate.

The rear extension would be considered overly large and so give rise to adverse amenity implications, contrary to Policy DC1 of the UDP, and Core Strategy policies SP1 and DM1. Whilst the agent has supplied a solar radiance and shadow impact assessment and a further radiance impact assessment for review, it is the sense of overbearing that the LPA is primarily concerned about. Due to the existing orientation of the applicant site and surrounding properties in the streetscene, the loss of light is not considered so severe in isolation.

The proposed garage is also considered to give rise to an adverse visual impact to the streetscene and surrounding properties. The introduction of the garage element would project beyond the northern elevation of the host property. The garage would be out of keeping with the style of development in the immediate area as it would appear as a detached and alien feature and would conflict with the entrance of the communal parking space available off Kippax Street. This element will be discussed in further detail later on in the report.

Design and Appearance

The rear extension would have a projection of 4.8 metres. As such, this extension would be contrary to Policy DC1.3 of the UDP which states the rearward extensions should not exceed 3.65 metres. Whilst the LPA acknowledges the acceptability for extensions larger in size has been established through the Lager Homes Extension route, given the constrained rear amenity space afforded to the property, it is not considered that this space can accommodate the 4.8 metre rear projection proposed without losing all external private amenity space.

The rear extension is considered to constitute over-development of the site, as the extension covers the entire rear amenity space, and is therefore considered overly large contrary to Policy DC1.2 of the UDP.

The proposed garage would be out of keeping with the form of development in the immediate area. Within the Maine Road development, the estate is characterised by secure parking in the form of communal parking areas sited to the rear of the applicant site. Garages are not a common design characteristic of the estate including the installation of garage shutters and as condition 7 within the approval of 092105/MO/2009/S1 restricts the erection of garages, it is a feature the LPA wish to control the further development of. Concern is also raised as to potential conflicts between the garage and a car leaving the garage and vehicles leaving the communal parking space to the north east of the applicant site. No information has been supplied to the line of sight/ visibility from the proposed structure given the brick wall with a height of 2.8 metres.

The existing second floor balcony would be infilled to create additional living space. It would follow the curved nature of the applicant site. The plans provided show the area would be bricked up and a flat roof inserted- to match the existing external materials of the property. However, the applicant on 28 April 2025 states the materials for this element would be PVC windows and a PVC roof. The materials within the application form are listed for this element of works as a slate roof and UPVC windows, and brick work. As such, there is inconsistency with the proposed materials used for this element which makes it difficult to imagine how this element of works would result in a high quality design feature.

The second floor infill extension would result in the loss of the 2nd floor terrace. The estate is characterised by a range of property types but the use of terraces are common place and a significant design feature seen across the Maine Road development. The loss of such terrace is regrettable. It would result in a design feature where the existing symmetry of the pair of semi-detached properties would be lost (see Figure 1 showing symmetry of applicant site, and figure 2 showing a similar relationship elsewhere within the Maine Road estate). Whilst it is noted that there have been recent approved planning applications to infill such elements, they are not considered comparable to this application. This will be discussed in further detail later on in the report. This would adversely impact the type of development in the immediate area and act as an alien design feature, contrary to Policy DC1 of the UDP and Core Strategy policies SP1 and DM1.



Figure 1, Applicant property and adjoining neighbour showing symmetry in built form and 2nd floor terrace (Google Earth)



Figure 2, Example of another pair of semi-detached properties with prominent curved 2nd floor balconies showing a clear sense of symmetry (2 Edwards Road and 63 Blue Moon Way) (Google Maps)

Comparable Circumstances identified by the Agent

The agent supplied a Response Letter to the LPA and listed numerous extensions within the Maine Road development to support the applicant's case. However, in this instance, the surrounding development has been reviewed and are not considered to influence the position of the LPA:

Rear extension at 39 Bilsborrow Road:

No planning history can be found for such extension and so cannot be considered comparable.

Rear extension at 79 Blue Moon Way- 124562/PDE/2019:

This property benefits from a different relationship to the neighbouring properties than the applicant site does to the neighbouring properties and so cannot be considered comparable. Further, the extension does not extend the entirety of the rear amenity space as is proposed.

Rear extension and garage roller shutter against boundary at 2 St Edwards Road:

No planning history can be found for such extension and so cannot be considered comparable.

2nd floor glazing at Citizens Place:

No planning history can be found for properties at Citizens Place and so cannot be considered comparable.

2nd floor glazing at 30 Bilsborrow Road and at 2nd floor of Carnival Place:

Glazing is part of the original feature of the property and so cannot be used to inform future development.

Proposed glazing and roof infill to second floor balcony: 18 Bilsborrow Road- 142434/FH/2025:

This application is pending consideration so cannot be considered within this application.

Second floor balcony conversion at 2 Sunshine Place- 128762/FH/2020:

This resulted in the covering of the external terrace balcony to the north of the site, however left the terrace area that wrapped round the property undeveloped. The current proposal involves the loss of the entire terrace.

Enclosure of roof top balcony at 51 Bilsborrow Road- 136456/FH/2023:

The element to be enclosed has been covered with the continuation of brick. The applicant proposes a PVC roof and windows and the resultant appearance of such is unknown. Further, the element of works sits to the rear of the site in a much more hidden location than the applicant which would relate to the primary elevation of the property. The applicant's enclosure would result in the loss of symmetry between the two pairs of semi detached properties, however, in the case of no.51, it is an end terraced property with the adjoining neighbour benefitting from a different design form.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a proactive manner. Although documents have been provided to support the application, no revised scheme was supplied for consideration. The applicant requested the application to be reviewed on the basis of the submitted drawings.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The proposed single storey extension and garage by reason of its form, scale, massing and projection, in close proximity to neighbouring properties no.47 and no.45 Bilsborrow Road, would create an overly large and bulky feature, and so would give rise to an overbearing feature to the neighbouring properties. As such, the proposal would adversely impact the detriment of the amenity that the neighbouring occupants could reasonably expect to enjoy. The proposed rear extension is considered to result in a poor quality design feature with no access to light or ventilation and would remove all private rear amenity space for the applicant site. As such, the proposal is contrary to the City Council's Planning Policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD, policy JP- S1 of Places for Everyone and the National Planning Policy Framework.
- 2) The proposed single storey extension by reason of its form, scale, massing and projection, in close proximity to neighbouring properties no.47 and no.45 Bilsborrow Road, would create an overly large and bulky feature. The proposed projection of the rear extension would be contrary to provisions within Policy DC1.3 of the UDP. The proposed garage, due to its siting and relationship to the host property would result in an alien design feature and would not be considered sympathetic to the style of development in the immediate area, whilst conflicting with the existing entrance to the communal car park. The second floor infill extension would result in the loss of a

prominent design feature and with the materials proposed could create an incongruous design feature. The proposal would be out of character with, and fails to contribute positively to, the local area. The proposal would therefore have an unduly harmful impact in relation to design and appearance, which is contrary to the City Council's Planning Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD, policy JP- S1 of Places for Everyone and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

51 Bilsborrow Road, Manchester, M14 7TH
53 Bilsborrow Road, Manchester, M14 7TH
55 Bilsborrow Road, Manchester, M14 7TH
57 Bilsborrow Road, Manchester, M14 7TH
59 Bilsborrow Road, Manchester, M14 7TH
57 Carlton Avenue, Manchester, M14 7WL
61 Carlton Avenue, Manchester, M14 7NL
59 Carlton Avenue, Manchester, M14 7NL
47 Bilsborrow Road, Manchester, M14 7TH
45 Bilsborrow Road, Manchester, M14 7TH
43 Bilsborrow Road, Manchester, M14 7TH
55 Carlton Avenue, Manchester, M14 7WL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA