

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141981/JO/2025

Date registered valid: 24 January 2025

Proposal: Variation of condition 2 (approved drawings) attached to planning permission 140184/FH/2024 to allow for amendments to the design of the rear extension.

Address: 21 Hartley Hall Gardens, Gowan Road, Manchester, M16 8LP

Ward(s): Whalley Range Ward

Applicant: Ms Rachel Cherney

Agent (if any): Mrs Amy Axon, Guy Taylor Associates

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26 February 2025

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 31 January 2025 Expired: 21 February 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: Not applicable

Tree Preservation Order: Not applicable

The property that is the subject of this variation of condition application is number 21 Hartley Hall Gardens. It is a 2 storey brick built property with a third floor of accommodation within the roof space. It is the end property in a block of 4 mews houses, and has driveway with off road parking to the property frontage with gardens to the side front and rear. The boundaries of the gardens comprise of close boarded timber panel with established tree planting, particularly along the side boundary with Brantingham Road. There was previously a single storey conservatory on the rear of the property, which has recently been removed.

The property is located within the Whalley Range ward of the City. The area is predominantly residential, with the remaining properties on Hartley Hall Gardens being of the same blocks of mews footprint as the proposal site. Kassim Darwish Grammar school for boys is located to the east of the site.

The proposal is for the variation of condition number 2 (specified plans) to enable the amendment of the design of the single storey rear extension. Previously it was designed and approved with a green living Sedum monopitched roof, and a large picture window in the rear of the property. The revised scheme proposes a flat roof, however the green living Sedum roof would still be retained as a design feature. The picture window in the rear ground floor elevation is still incorporated in the new extension, this has been reduced slightly in size as part of the variation of the scheme. A new contemporary window is proposed on the elevation facing the Brantingham Road boundary, which would have an aluminium frame that would sit forward of the elevation. There is currently a French window in the rear elevation with a Juliet balcony at first floor level. These features were proposed to be replaced with a picture window the

dimensions of which would match those of the other existing window in the rear elevation at first floor level, these changes remain as part of the variation of the proposal.

Consultations & Notification Responses

Local residents were informed- no representations were received.

Issues

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy 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.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Places for everyone GM Spatial Plan

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is 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.

Principle

The principle of extending a residential property in an established residential area to create additional living accommodation is generally considered acceptable further assessment will be made to ensure that there are detrimental impacts upon the character of the property itself, the neighbouring residents or the area within which it is located.

In this instance the principle of the variations to the proposal is considered acceptable and it is not believed that there are any factors of sufficient weight to indicate otherwise.

On balance, the revised proposed extension is deemed to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Residential Amenity

The applicant proposes a single storey rear extension following demolition of existing conservatory. The roof would be of a flat roof construction (replacing the monopitch previously approved) with a living green roof. The single storey extension replaces the recently demolished dual pitched roof conservatory. There are established trees and shrubs that form the boundary together with timber fencing to the rear and between properties. The door to the single storey rear extension and the proposed window on the side of the existing property both face onto the applicants own side garden, and are screened from Brantingham Road by the boundary treatments and tree planting.

There is on the existing property a Juliet balcony at first floor to the rear with a french door, and the replacement of this with a picture window would afford no greater view into or out of the property than the existing situation. The proposed extension is modest in the rearward projection and materials to be used in its construction will match those of the existing property. It is not therefore considered that the proposed development would have a detrimental impact upon the residential amenity currently enjoyed by the neighbouring properties as a result of overlooking or loss of privacy.

There is sufficient usable private amenity space retained for the occupants post development.

Visual amenity and impact on the character of the area

The extension would not be visible from the public highway and would not feature within the street scene, however, in any event, the character of the property would be retained and therefore the appearance is acceptable and its impact upon visual amenity is considered negligible.

On balance, the extension is considered to be of an appropriate scale, retains subservience and is sympathetic to the design of the host property. It enables a better use of the development than the previous conservatory. It provides a much more usable space. The proposal therefore complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1

Siting, scale and massing

The size and footprint of the proposed extension is not considered to result in an overbearing impact upon the residential amenities of surrounding properties. It is of a relatable scale to the host property and there is no issue relating to the massing of the extension the revised proposal has reduced the footprint marginally and it is therefore considered to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is in keeping with the existing and surrounding properties in the area and in terms of the materials, these are to match those of the existing dwellinghouse. The design detail is typical of an extension of this type with the added benefit of a green roof and would not adversely impact upon visual amenity or the character of the area.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Disabled access

Not applicable

Refuse

The storage of refuse bins are not affected by the proposal, as there would be continued access to the rear, which accords with policy EN19 of the Core Strategy.

Parking

Not affected by this proposal.

Conclusion

The proposal is considered to be acceptable in this location in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, and there are no material considerations of sufficient weight to indicate otherwise.

It is considered that the proposal would not give rise to any undue loss of amenity, loss of light or loss of privacy to neighbouring occupiers, therefore, the proposal is considered to accord with saved UDP policy DC1 policies SP1, and DM1 of the Core Strategy.

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 / Agent in a positive and proactive manner in order to guide the Application through all stages of the Planning process, in this instance no issues have

arisen and the application has been determined in accordance with both national and local policies, and in a timely manner.

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 planning permission reference 140184/FH/2024 that date being 30.07.2024.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) Rev P02 The development hereby approved shall be carried out in accordance with the following drawings and documents:

23-0019-20-001-Rev P02 Proposed Floor Plan received 24th January 2025

23-0019-20-101- Rev P02 Proposed Elevations received 24th January 2025

23-0019-10-001- Location Plan received 4th June 2024

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 materials to be used on the external surfaces of the extension hereby permitted, including patching in and mortar, shall match those of the existing building in type, size, colour and texture.

Reason - To ensure 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 policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings.

Reason - In the interest of residential amenity, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

5) The development hereby approved shall be implemented in accordance with the tree protection measures in the Arboricultural Method Statement ref: TRE/21HHG rev.B dated 01 June 2024.

Reason - In order avoid damage to trees adjacent to the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Second Floor, Hartley Halls Of Residence, 61A Brantingham Road, Manchester, M16 8PA
Hartley Halls Of Residence, 61A Brantingham Road, Manchester, M16 8PA
Ground Floor, Hartley Halls Of Residence, 61A Brantingham Road, Manchester, M16 8PA
First Floor, Hartley Halls Of Residence, 61A Brantingham Road, Manchester, M16 8PA
Flat 100 Ground Floor, Hartley Halls Of Residence, 61A Brantingham Road, Manchester, M16 8PA
41 Hartley Hall Gardens, Gowan Road, Manchester, M16 8LP
20 Hartley Hall Gardens, Gowan Road, Manchester, M16 8LP
19 Hartley Hall Gardens, Gowan Road, Manchester, M16 8LP
72 Brantingham Road, Manchester, M16 8QH
70 Brantingham Road, Manchester, M16 8QH

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