Planning

Growth & Development

Delegated officer report for planning application

Application no.	141359/JO/2024
Date registered valid:	14 November 2024
Proposal:	Variation of condition 2 (specified plans) and 8 (windows) attached to planning permission referenced 138250/FO/2023 to allow reduction to rear extension with additional rear facing utility window
Address:	376 Slade Lane, Manchester, M19 2BU
Ward(s):	Burnage Ward
Applicant:	Akaegbu Daisy Fieldcare
Agent (if any):	Mr Zach Thorp, Thorp Design Services
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Refuse

Date of recommendation: 8 January 2025

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: Not applicable

Standard consultations: Printed: 25 November 2024 Expired: 16 December 2024

Neighbour notifications: Printed: 25 November 2024 Expired: 16 December 2024

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 application relates to a two-storey semi-detached, once C3 dwellinghouse, now residential care home (use class C2) of redbrick and white textured render with a red concrete tile dual pitch roof. The property features white uPVC windows, including a two-storey bay to the front with a gable roof form, a front garden and tarmacadam driveaway bordered by high-level timber fencing and a mid-level redbrick wall capped by black iron railings, a part-single / part-two storey rear outrigger, a rear dormer extension, and a rear garden/external amenity space.



376
380
2

376

Description of area

The area is predominantly residential in nature in the immediate locale with properties of the same age and style as the proposal site, together with a small number of flat / sheltered housing developments that are later additions to the other properties in the wider area. It is located on a sustainable public transport network and close to local retail and commercial uses and health provision.

Description of development

The applicant is seeking permission to vary conditions 2 (specified plans) and 8 (windows) attached to planning permission referenced 138250/FO/2023 to allow for a reduction to rear extension with an additional rear facing utility window.

Planning history

138250/FO/2023 - Change of use to residential care home (C2) with training suite together with the erection of part single/part two storey side and rear extensions and installation of 1.8 metre boundary treatment – Approved (20.03.2024).

CDN/24/0275 - Discharge of Condition 6 (Waste Management) attached to planning permission 138250/FO/2023 – Approved (25.06.2024).

CDN/24/1092 - Discharge of Condition 7a (External Lighting) attached to planning permission 138250/FO/2023 – Pending

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Environmental Health made no additional comments on the amended plans. Comments made in relation to 138250/FO/2023 still apply (conditions relating to fumes/odours, demolition/construction hours, delivery hours, external lighting, external plant/equipment/servicing, refuse storage and management were requested).

Highways Services made no objection to the proposal.

Policies

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

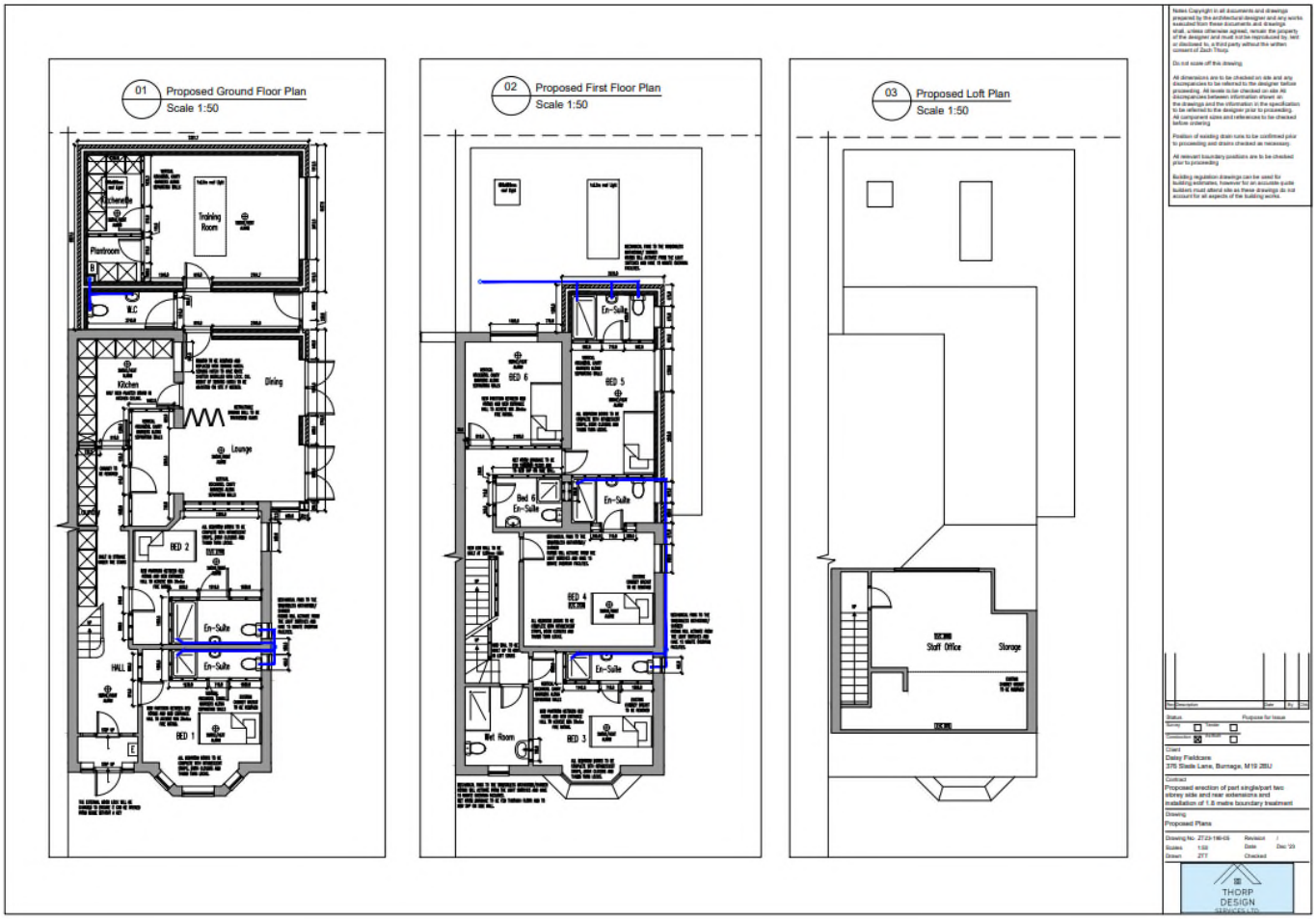
Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC2 – Rest Homes and Nursing Homes (Class C2)

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles

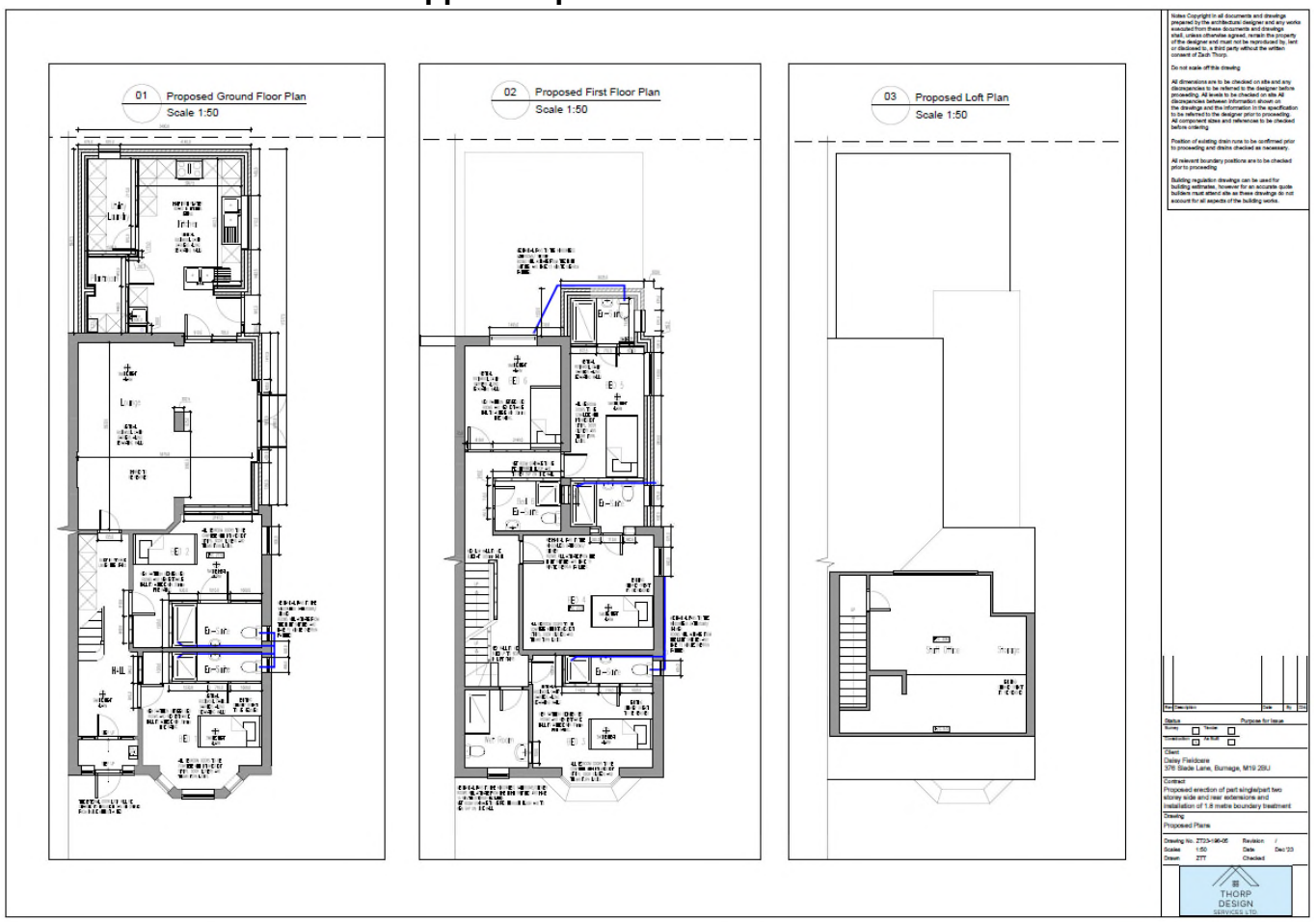
The National Planning Policy Framework (NPPF, 2021)
- Chapter 12 – Achieving Well-Designed Places

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.

- Policy JP-P1: Sustainable Places



Approved plans of 138250/FO/2023



Proposed plans of 141359/JO/2024



Approved elevations of 138250/FO/2023



Proposed elevations of 141359/JO/2024

Issues

Principle – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework reinforces this requirement in paragraphs 2 and 48, whilst paragraph 12 indicates that the presumption in favour of sustainable development does not alter the statutory status of the development plan as a starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposal is considered unacceptable and cannot be supported as it conflicts with the development plan policies and associated guidance listed in the preceding section.

It is considered that the introduction of an additional window in the rear elevation of the extension would cause undue harm to the residential amenity of neighbouring occupiers on account of its close proximity to the plot's western shared boundary, giving rise to issues of overlooking and loss of privacy.

On this basis, the proposal is considered to conflict with the principles set out under saved policy DC2 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy and chapter 12 of the National Planning Policy Framework.

Residential amenity – the reduced scale and footprint of the proposal is considered acceptable as the extension would have a lesser impact upon neighbouring occupiers in this regard.

However, the introduction of an additional window in the rear elevation of the extension is considered unacceptable as this amendment to the previous approval 138250/FO/2023 would cause additional and undue harm to the residential amenity of neighbouring occupiers on account of its close proximity to the plot's western shared boundary (0.396m), facing directly into the neighbouring plot of No.2 Scarisbrick Road, giving rise to issues of overlooking and loss of privacy as well as prejudicing their future development potential.

The proposal is therefore considered to conflict with the principles set out under saved policy DC2 of the Unitary Development Plan for the City of Manchester which stipulates that developments of this type will not be supported where they would result in an 'unacceptable loss of amenities to neighbours', policies SP1 and DM1 of the Manchester Core Strategy which seek to ensure that developments 'make a positive contribution to neighbourhoods of choice' with consideration given to 'effects on amenity, including privacy', and chapter 12 of the National Planning Policy Framework which also seeks 'a high standard of amenity for existing and future users'.

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to its unduly harmful impact upon the residential amenity of neighbouring occupiers, giving rise to issues of issues of overlooking and loss of privacy as well as prejudicing future development potential.

The proposal is therefore considered to conflict with the principles set out under saved policy DC2 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy and chapter 12 of the National Planning Policy Framework. Hence, it cannot be supported by the City Council.

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: Refuse

Article 35 Declaration

The proposal does not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

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

1) The proposed ground floor window in the rear elevation of the extension, by reason of its inappropriate siting and proximity to the application sites western shared boundary would have a detrimental effect upon the residential amenity of those occupying the neighbouring property of No.2 Scarisbrick Road in terms of overlooking and loss of privacy. The proposal is therefore contrary to saved policy DC2 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, and chapter 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Supported Housing Montoring Group

2,scarisbrick Rd, Levenshulme, Manchester, M192BS
2,scarisbrick Rd, Levenshulme, Manchester, M19 2BS
374 Slade Lane, Manchester, M19 2BU
380 Slade Lane, Manchester, Manchester, M192BU
4 Scarisbrick Road, Manchester, M19 2BS
32 Craighall Avenue, Manchester, M19 2BR
28 Craighall Avenue, Manchester, M19 2BR
13 Craighall Avenue, Manchester, M19 2BR
Slade Mount, Slade Lane, Manchester, M19 2HB
First Floor Flat, 374 Slade Lane, Manchester, M19 2BU
Flat 9, 44 Grange Avenue, Manchester, M19 2DW
Ground Floor Flat, 374 Slade Lane, Manchester, M19 2BU
368 Slade Lane, Manchester, M19 2BU
3 Scarisbrick Road, Manchester, M19 2BT
6 Scarisbrick Road, Manchester, M19 2BS
9 Slade Mount, Slade Lane, Manchester, M19 2HB
6 Slade Mount, Slade Lane, Manchester, M19 2HB
4 Slade Mount, Slade Lane, Manchester, M19 2HB
10 Slade Mount, Slade Lane, Manchester, M19 2HB
384 Slade Lane, Manchester, M19 2BU
Flat 8, 44 Grange Avenue, Manchester, M19 2DW
77 Grange Avenue, Manchester, M19 2FZ
382 Slade Lane, Manchester, M19 2BU
370 Slade Lane, Manchester, M19 2BU
2 Scarisbrick Road, Manchester, M19 2BS
9 Craighall Avenue, Manchester, M19 2BR
7 Craighall Avenue, Manchester, M19 2BR
34 Craighall Avenue, Manchester, M19 2BR
30 Craighall Avenue, Manchester, M19 2BR
11 Craighall Avenue, Manchester, M19 2BR
8 Slade Mount, Slade Lane, Manchester, M19 2HB
7 Slade Mount, Slade Lane, Manchester, M19 2HB
5 Slade Mount, Slade Lane, Manchester, M19 2HB
3 Slade Mount, Slade Lane, Manchester, M19 2HB
2 Slade Mount, Slade Lane, Manchester, M19 2HB
11 Slade Mount, Slade Lane, Manchester, M19 2HB
1 Slade Mount, Slade Lane, Manchester, M19 2HB
1 Scarisbrick Road, Manchester, M19 2BT
378 Slade Lane, Manchester, M19 2BU
372 Slade Lane, Manchester, M19 2BU
8 Scarisbrick Road, Manchester, M19 2BS
386 Slade Lane, Manchester, M19 2BU
380 Slade Lane, Manchester, M19 2BU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: SOUTH AREA