

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141656/NMC/2024

Date registered valid: 3 December 2024

Proposal: Non-material amendment application to planning permission reference 136488/FH/2023 to allow alterations to the rear elevation comprising: The inclusion of a bi folding door with a Juliet balcony railing and at first floor the addition of new windows

Address: 16 Crumpsall Lane, Manchester, M8 5FB

Ward(s): Crumpsall Ward

Applicant: Mr Ikhlmaq Ahmed

Agent (if any): Mr V Alyas Architek

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

Recommendation: Refuse

Date of recommendation: 23 December 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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: Crumpsall Lane Conservation Area 2004

Tree Preservation Order: No

The application site relates to 16 Crumpsall Lane within the north Manchester ward of Crumpsall. The application site relates to a large, semi-detached dwellinghouse of a Victorian period characterised by box bay windows, prominent front outrigger built of red brick and consisting of black fenestration, with up to 4 storeys and several additions and extensions. The property has a cream render along the rear elevation of the host property. The property benefits from spacious amenity space surrounding the applicant site.

Description of area

The surrounding area is residential in character and the applicant site sits and plays an important role within the Crumpsall Lane Conservation Area.

Description of development

The site is subject of the following planning permission- 136488/FH/2023- Enlargement of dwellinghouse consisting of the installation of a side dormer and a rear dormer with juliet balcony, erection of front porch extension and new boundary treatment adjacent Crumpsall lane. Approved 30.11.2023.

Through the current application, consent is sought for the non-material amendment application to planning permission reference 136488/FH/2023 to allow alterations to the rear elevation comprising: The inclusion of a bi folding door with a Juliet balcony railing and at first floor the addition of new windows.

Negotiations during the course of the application

It is understood this application has arisen following the involvement of the Enforcement Team since the approval of 136488/FH/2023. The Enforcement Team advised the home owner to apply to vary the approval of 136488/FH/2023 via email on 18 September 2024. Instead, the current NMC application has been received.

Discussions took place with the agent during the course of the NMC application as the submitted plans resulted in uncertainty as to the proposal for assessment.

The plans received with the submission of the application (dated 3 December 2024) show a window annotated bi-fold door and the insertion of two additional windows in the rear elevation of the property. However, the description of development requested a change of a bi folding door with a Juliet balcony railing, but the bi-folding door and juliet balcony was approved under 136488/FH/2023.

The agent was asked to confirm the correct description of development for assessment.

On 13 December 2024, via email the agent stated the two windows shown on the rear elevation at first floor level as proposed are already on site as existing. The agent confirmed the door style for the dormer is a sliding door. The agent supplied a photo for consideration showing the two windows at first floor level are existing, and were in place prior to the installation of the dormer (see image below).



Whilst the two windows may be existing, the window size and pattern of the right hand window differs from the submitted plans and the photo on site, in addition to the approved plans under 136488/FH/2023.

In light of this, the agent was asked to clarify the description of development for the current application. Whilst no confirmation was received, revised plans were received 20 December numbered A105 P2.

As no confirmed description of development has been provided from the agent, the assessment will be based on the revised scheme received 20 December 2024.

Further Planning History

117651/FH/2017- Erection of a single storey infill rear extension together with creation of external staircase and excavation of basement area to form ancillary living accommodation including creation of lightwells.

Approved 23 November 2017.

072571/TCA/2004/N1- 16a Crumpsall Lane- NOTIFICATION OF INTENT TO CARRY OUT WORKS TO TREES WITHIN CRUMPSALL LANE CONSERVATION AREA - Fell 1 sycamore and crown 1 sycamore.

Approved 19 August 2004.

028997- Change of use from house in multiple occupation to hotel with rear extension to form reception area/dwelling.

Approved 25 June 1987.

Consultations & Notification Responses

N/A.

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).

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

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The application relates to approved planning application 136488/FH/2023- Enlargement of dwellinghouse consisting of the installation of a side dormer and a rear dormer with juliet balcony, erection of front porch extension and new boundary treatment adjacent Crumpsall lane. Approved 30.11.2023.

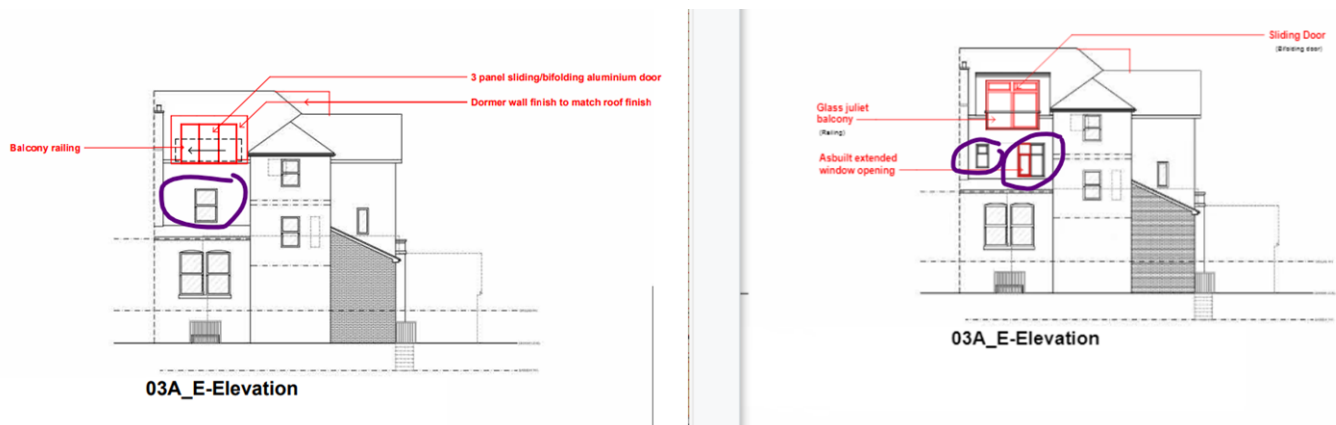
The applicant now seeks to make the following amendments to the approved scheme:

Non-material amendment application to planning permission reference 136488/FH/2023 to allow alterations to the rear elevation comprising: The inclusion of a bi folding door with a Juliet balcony railing and at first floor the addition of new windows.

During the course of the application, the agent supplied revised plans A105 P2 (received 20 December 2024) for consideration. The dormer was changed to a sliding door with a glass Juliet balcony. The drawings show whilst two windows at first floor level are existing, the right hand window would be extended in width.

It is acknowledged that the change from bi-folding door to a sliding door within the rear dormer could be considered non-material, however, the change in size of the window and it breaking the eaves line of the rear extent of the roof needs further consideration given the properties location within the Crumpsall Lane conservation area as it could have an impact on visual/residential amenity.

The following aspects of the current application cannot also be considered to be non-material: Firstly, there is a discrepancy between the approved plans of 136488/FH/2023 and the proposed of 141656/NMC/2024 in terms of the windows within the rear elevation at first floor level (see images below for reference).



Left hand image: elevation approved under 136488/FH/2023/ right hand image: elevation approved through 141656/NMC/2024.

As the agent states the two windows are existing, then there are inaccuracies within the approved drawings of the original scheme of 136488/FH/2023. To overcome this, an application should be sought to vary the conditions of the householder permission. This cannot be dealt with through the current NMC application.

Secondly, it is not considered the increasing of the window size can be considered non-material. This may give rise to unacceptable residential impacts which the neighbouring properties have not had an opportunity to review, given the application type. As such, the City Council is not satisfied that the changes put forward as part of the application, would not have a detrimental impact upon the residential amenity of neighbouring occupiers.

For these reasons, it is considered that the application is refused on this basis.

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.

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

1)The proposed amendments relate to:

-Changing the dormer window from the approved bi-fold door to a sliding door with a Juliet balcony railing.

-Amending the number and arrangement of windows within the rear elevation of the property at first floor level, to try to overcome inaccuracies within the approval of 136488/FH/2023, and to increase the size of one of the windows.

2)Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered a material change.

The City Council is not satisfied that the proposed changes would not have an impact upon the character of the building, the residential amenity of nearby occupiers or upon 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

Appendix 2 – Planning constraints

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Crumpsall Lane Conservation Area 2004

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA