

HEAL Planning & Developments Hooper Enterprise Associates Limited 11 St Marys Place Shrewsbury Shropshire SY1 1DZ Email: appeal.processing@healplanning.co.uk Telephone: 01743 369911	
---	--

APPEAL STATEMENT

SITE: 9 Gillbrook Road, Manchester, M20 6WH

APPEAL AGAINST REFUSAL OF: Removal of condition 5 (obscure glazing) attached to planning permission 135558/FH/2022

LOCAL AUTHORITY: Manchester City Council

PLANNING APPLICATION NUMBER: 139906/JO/2024

APPELLANT: Miss Nicola Richardson

Introduction

The appeal is against a refusal of planning permission by Manchester City Council for the *Removal of condition 5 (obscure glazing) attached to planning permission 135558/FH/2022* at No. 9 Gillbrook Road, Manchester, M20 6WH.

The appeal is lodged pursuant to s.78 of the Town and Country Planning Act 1990 on behalf of the Appellant.

In the approved application 135558/FH/2022 for the *erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevation alterations to provide additional living accommodation and installation of wall with railings*, Condition 5 stipulated:

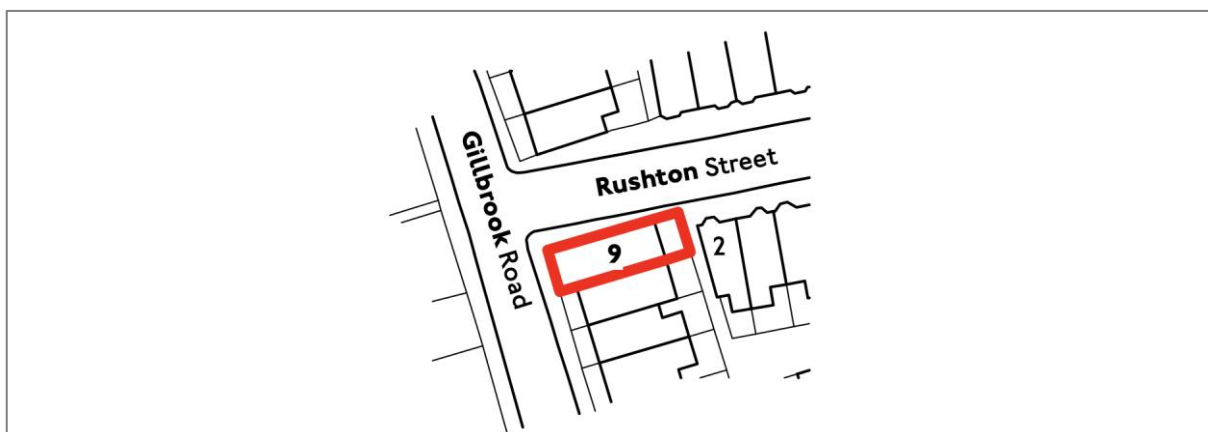
The first floor and second floor bedroom windows on the side elevation of the dwelling house, shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

The appellant was contacted by the enforcement team relating to an alleged breach of condition 5, which resulted in this application for removal of the above condition.

The main issue for the appeal, therefore, is whether the disputed condition is necessary to protect the amenities of the neighbouring occupiers.

This statement presents the case that no greater overlooking occurs as a result of the windows now in situ, also considering the view from the approved dormer windows. The LPA's concerns over amenity impacts are not founded. In support of the appeal, the following statement has been prepared to demonstrate the suitability of this proposal and evaluate its accordance with national and local planning policy along with supplementary design guidance.



Refusal Reason

The Notice of refusal was dated 24th June 2024 and contained the following reason for refusal:

The first and second floor windows in the side elevation of the extension was conditioned, under planning application 135558/FH/2022, to be obscurely glazed in

order to reduce any overlooking and loss of privacy to the residents and future residents of the neighbouring property at 7 Gillbrook Road.

The removal of Condition 3 (obscure glazing) is considered to be detrimental to the residential and visual amenity of the neighbouring property at number 7 Gillbrook Road, as it will have a harmful impact on residential amenity and therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

The appeal for the removal of condition 5 (obscure glazing) should be granted on the basis of both the existing context and the inconsistent application of planning policy by the LPA. Firstly, the presence of a non-obscure glazed first-floor window in the side elevation, which has been in place without issue, already sets a precedent for unobstructed glazing in this location:

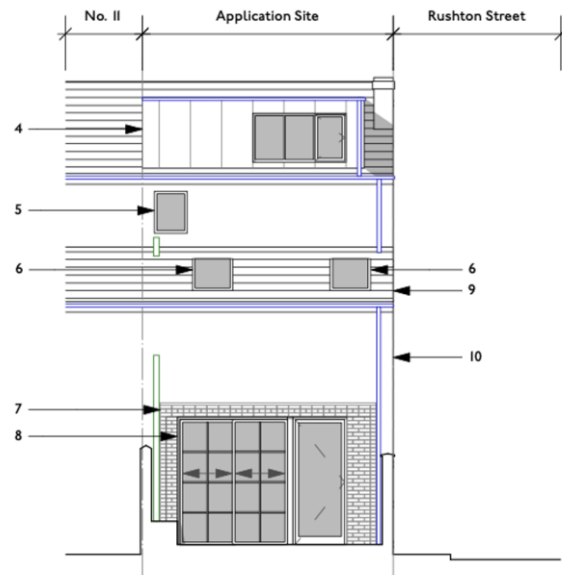


Furthermore, the existing and proposed windows in question face the blank flank wall of No. 7 Gillbrook Road, thereby posing no risk of overlooking or loss of privacy to the neighbouring property:



Secondly, the approval of a dormer and additional rear windows under the same planning permission, without requiring obscure glazing, further highlights the LPA's inconsistency (the decision notice with the full set of conditions is included in Appendix C for reference).

These rear windows overlook not only the blank flank wall of No.4 Rushton Road at much closer range but also the rear gardens and windows of other properties, a situation arguably more sensitive than the side elevation. See the rear view (eastern elevation) from Rushton Street, and the citing of the proposed works including rear windows:



The selective imposition of obscure glazing on certain windows, while ignoring comparable situations within the same development, suggests an arbitrary application of policy, which undermines the fairness and transparency of the planning process. Therefore, the removal of condition 5 is both reasonable and necessary to ensure consistency and equity in planning decisions.

The appellant was contacted by the enforcement team relating to an alleged breach of condition 5, which resulted in this application for removal of the above condition. It is noted that the enforcement letter related to one window only, which contrasts against the original decision which involved the obscure glazing of the first- and second-floor flank windows, demonstrating further inconsistency. This letter, along with the appellant's response with further photographs, is appended to the statement for reference (appendices A and B).

For the reasons above, it is considered that the proposed amendments to the permitted scheme would not be harmful to the amenities of the neighbouring dwellings and have been improperly assessed. Consequently, the disputed condition is not necessary to make the development acceptable.

Planning Officer Report

To assist in the consideration of the Appeal, some of the paragraphs from the report from the Planning Officer are included below with appropriate commentary in **bold** on the relevant parts:

1. Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application relates to a two storey end-terrace C3 dwellinghouse of common brick with a slate roof. The property features an original two storey rear outrigger, and the plot includes front and rear gardens bound by brick walls.

2. Description of area

Gillbrook Road is predominantly residential in nature and located between the Didsbury centre and Didsbury Park. The area is characterised by red and common brick terraces with bay windows and round decorative doorways.

3. The Proposal

The application ref 135558/FH/2022 was approved for the erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevation alterations to provide additional living accommodation and installation of wall with railings. The first and second floor side elevation windows on the gable facing the other side of Rushton Street were conditioned to be obscurely glazed. This application seeks to remove the condition.

See the decision notice and proposed plans and elevations for the above approval in Appendix C for reference.

4. Planning History

108842/FH/2015/S2 Erection of a single storey rear extension Approved

Condition to be Removed: Condition (5)

The first floor and second floor bedroom windows on the side elevation of the dwelling house, shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5. Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one letter of objection was received raising concerns the removal of the obscure glazing from the first and second floor side elevation, would result in overlooking, detrimental to the privacy for the occupiers of the surrounding properties.

This concern is fully addressed below in the body of the report.

6. Issues

Policy and Issues

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

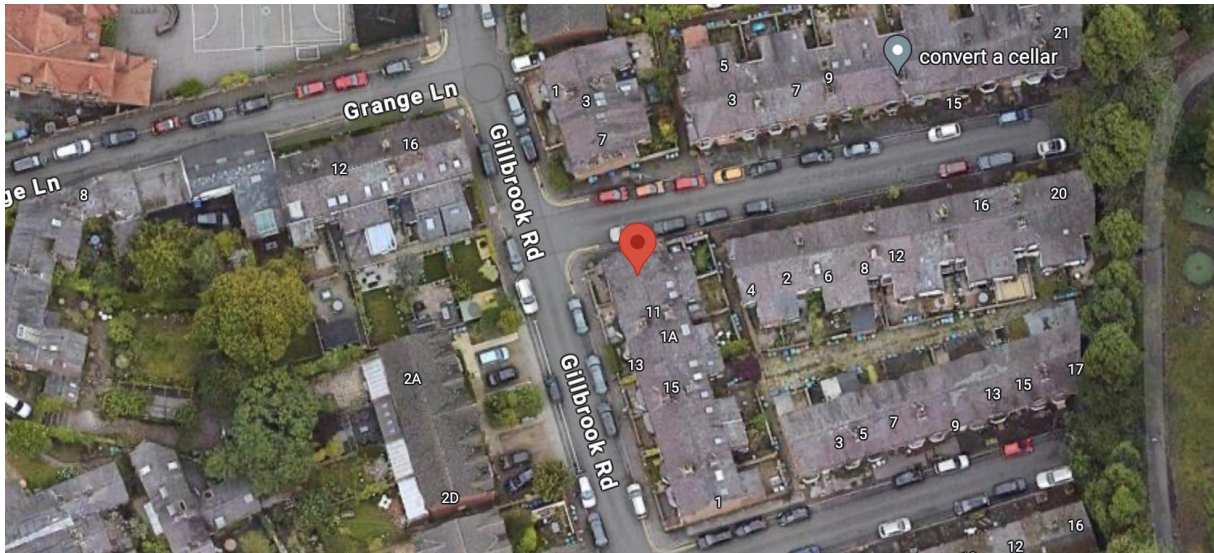
- Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- Policy DC1 for Residential Extensions is still considered of relevance.
- The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th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

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

The relevant policies will be dealt with separately in this appeal statement.

Principle - The applicant is seeking to remove Condition 5 in respect of the obscure glazing to the two windows on the side elevation of the property, which was attached to a previous planning approval 135558/FH/2022.

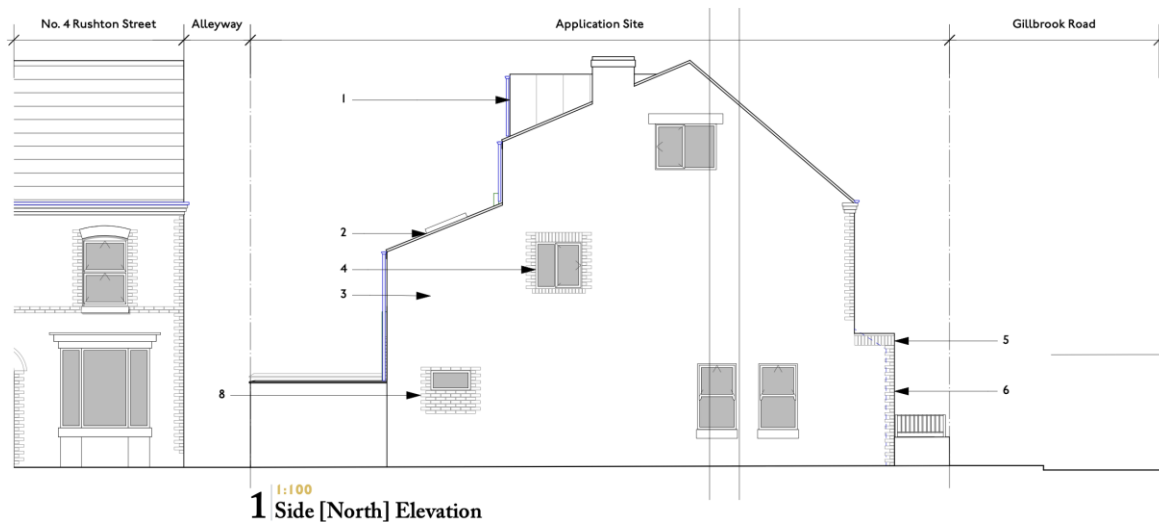
The matters that require consideration, in order to assess the acceptability of the windows, is whether the proposal has an impact on the residential amenity of the neighbouring occupiers at number 7 Gillbrook Road. **See the location of the appeal site on the satellite image below. Note that No.7 Gillbrook Road, directly to the north of the appeal site, is the other side of Rushden Street and therefore these flank walls are a considerable distance.**



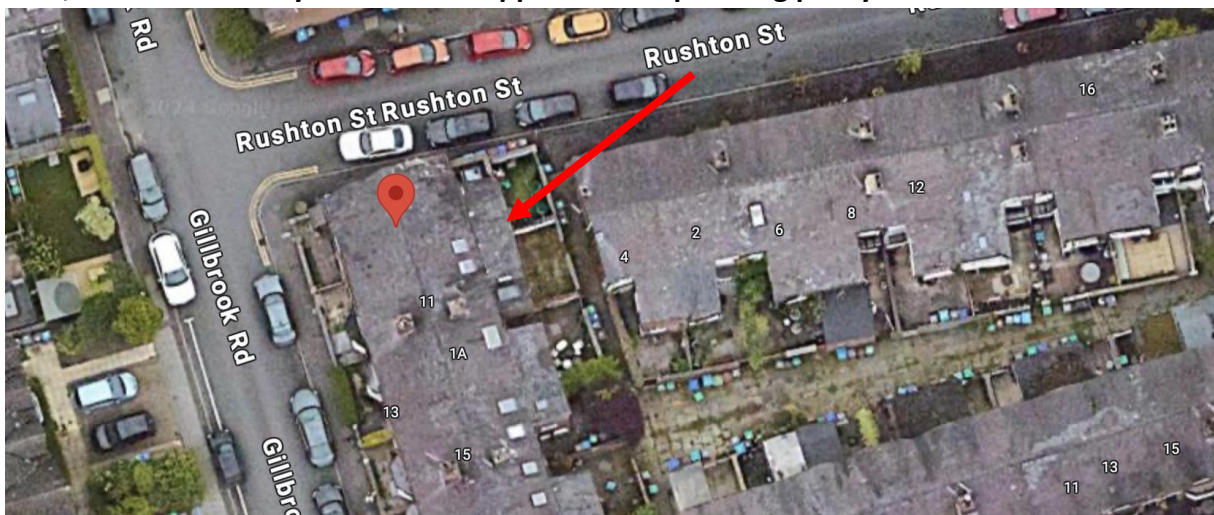
Between the two dwellings are pavements and on-street parking; the flank windows under appeal do not overlook private amenity space.



The principle of the extension to the property has previously been established by the approval of planning application 135558/FH/2022. Therefore, matters such as siting, scale, massing, design and appearance have already been established. The approved scheme included the erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevation alterations to provide additional living accommodation and installation of wall with railings. **The approved side elevation is shown below for reference:**



This side elevation looks north towards the blank gable end of No.7 Gillbrook Road. It is noted that the approval allowed for a rear dormer with no obscure glazing viewing the gable end of No.4 Rushton Street, as well as longer-range views of numerous gardens and windows of properties to the rear (see the orientation on the satellite image below). At best, this shows a very inconsistent application of planning policy.



Condition 5 attached to the approved drawings stated that the two windows on the side elevation of the extension should be obscurely glazed, in order to prevent any overlooking and loss of privacy for the occupiers or future occupiers of the adjacent properties. **As stated, the obscure glazing was conditioned to prevent any overlooking and loss of privacy, however, these windows overlook a blank flank wall.**

See the existing flank wall of the appeal site (prior to the scheme 135558/FH/2022), as viewed at the entrance to Rushton Street cul-de-sac, although the scheme proposed two new windows on this elevation, note the existence of non-obscure glazed, habitable room windows:



And see the appeal site, visible on the far right of the photograph below, looks onto the blank flank wall of the neighbouring property No.7, on the other side of Rushden Street:



Accordingly, given the actual site context, this condition is not necessary to protect the amenities enjoyed by the neighbouring occupants.

Currently, there is clear glazing installed in the second-floor windows installed during the alterations to the property.

The position for the proposed side windows would result in overlooking to the nearby residential property in particular no 7 Gillbrook Road. Views from the first and second floor window would result in direct overlooking into the rear garden area and the window of the outrigger of no 7 Gillbrook Road. Therefore, it is believed that the condition is still required due to the impact on the residential amenity in terms of overlooking and intrusion upon the residents and future residents of the neighbouring property at number 7 Gillbrook Road. The proposal therefore is not in accordance with DM1 and SP1 of the Core Strategy and DC1 of the UDP. **Clearly, the views afforded by the new windows are nothing untoward and no more detrimental to privacy than the existing windows on the side flank or those approved as part of the development to the rear. The LPA has shown inconsistency in the application of planning policy; this inconsistency undermines the principles of fairness, transparency, and reliability that are foundational to the planning process. As the scheme was approved with non-obscure glazing to the rear under the same policy framework, denying this removal of condition without clear and justifiable reasons suggests arbitrary decision-making. Such inconsistency not only affects the appellant's legitimate expectations but also erodes public confidence in the planning system. This appeal should be granted to uphold the integrity of local planning policy.**

In conclusion, properly assessing the site context and taking into account the approved scheme, the windows as installed would not have a detrimental impact on neighbouring amenities by way of overlooking for the reasons presented and illustrated throughout this statement. Accordingly, Condition 5 is not necessary to protect the amenity enjoyed by the residents of the neighbouring properties.

National Planning Policy Framework

It is important to respectfully draw to the inspector's attention to relevant sections of the NPPF that have either been overlooked, misinterpreted or not given due weight and consideration within the decision-making process. The following sections in particular are highlighted as requiring attention.

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the

development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. **This is confirmation that the NPPF is a material planning consideration and so the following sections are considered as presenting considerable material planning support to the appeal and should be acknowledged as such. Whilst local planning policies should present weight to the proposal, the NPPF also presents the Council with sufficient grounds to accept this appeal, in particular, the references made within the NPPF to achieving well-designed places.**

Para 3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3. **This demonstrates how the NPPF must be considered as a whole and equally by implication the same should apply to the application of individual policies contained within the LDP.**

Para 7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, 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. **This proposal is allowing the residents to adapt their home to meet their needs, optimising the quality of the development and their living standards. It does not compromise the ability of future generations to meet their own needs.**

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). **The proposed development aligns with the above sustainable development objectives and should therefore receive a presumption in favour.**

Para 38 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible. **In the spirit of decision-makers seeking to 'approve applications for sustainable development where possible', there are more arguments in favour of the development than may be posited against it.**

Paras 131-141 of the NPPF set out criteria for good design which include that development should; add to the quality of an area; be visually attractive; and be sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change. **The proposal has been designed with due regard to the neighbouring dwellings and setting of the site and represents good design. The window is important for the light and outlook and general amenity value of the appeal site, without causing harm to the amenities enjoyed by neighbouring properties, On the whole, the retrospective proposed variation of**

Condition 5 is considered to be acceptable and not to cause material harm to the neighbouring properties nor materially change the previous arrangement.

Local Planning Policy Context

The relevant parts from the Manchester Core Strategy 2012 – 2027 (adopted 2012) and the Unitary Development Plan for the City of Manchester (1995) with commentaries under each are set out below.

Policy SP 1

Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester , East Manchester and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-
 - creating well designed places that enhance or create character.
 - making a positive contribution to the health, safety and wellbeing of residents
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy SP1 from the Manchester Core Strategy (2012) is not seen to be of particular relevance to this appeal as it does not relate to the proposed variation of condition.

Policy DM 1

Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
 - Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
 - Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
 - Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
 - Community safety and crime prevention.
 - Design for health.
 - Adequacy of internal accommodation and external amenity space.
 - Refuse storage and collection.
-
- Vehicular access and car parking.
 - Effects relating to biodiversity, landscape, archaeological or built heritage.
 - Green Infrastructure including open space, both public and private.
 - The use of alternatives to peat-based products in landscaping/gardens within development schemes.
 - Flood risk and drainage.
 - Existing or proposed hazardous installations.
 - Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-
 - a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;
Year 2013 - Code Level 4;
Year 2016 - Code Level 6; and
 - (b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

The proposal adheres to Policy DM1 of the Manchester Core Strategy (2012) in so far as it relates. The application was refused based on a perceived loss of privacy to one of the neighbouring dwellings which is not covered by this general policy in any detail however, the amenities of those within the area have been protected in a manner proportionate to the scale of the development, in accordance with the above.

Concerning the third criterion specifically, the new windows offer improved amenities for the occupants of the dwelling by letting in daylight and improving the outlook. They do not

threaten the privacy of the neighbouring occupants as has been illustrated by this statement.

The principle of the extension to the property has previously been established by the approval of planning application 135558/FH/2022. Therefore, matters such as siting, scale, massing, design and appearance have already been established.

1. RESIDENTIAL EXTENSIONS

DC1.1 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 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 street-scene;
- e. the effect of the loss of any on-site carparking.

DC1.2 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 the original buildings);
- b. they do not create an 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 street scene by virtue of design, use of materials or constructional 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.

The LPA consider extant policy DC1 of the Unitary Development Plan for the City of Manchester (1995) to be relevant to the appeal. In so far as it relates, the removal of condition 5 does not go against this policy.

In relation to DC1.1 b., having regard to the effect upon the amenity of neighbouring occupiers, the appeal statement has demonstrated that this is within reasonable realms given the location and context.

In relation to DC1.1 c., the removal of the condition enables the appellants to adapt their home and offers a high standard of residential amenity. Installing obscure glazing would be detrimental to the amenities of the appellants and any future residents of the property, as it would not allow for the same level of outlook and light to these rooms.

Conclusions

The appeal is against a refusal of planning permission by Manchester City Council for the *Removal of condition 5 (obscure glazing) attached to planning permission 135558/FH/2022* at No. 9 Gillbrook Road, Manchester, M20 6WH.

The variation of condition 5 would not cause harm to the character and appearance of the existing dwelling, or the area in general, and specifically it would not cause material harm to neighbouring properties. Indeed, it will not impact the amenity of the neighbours any more than the existing development, specifically No.7 Gillbrook Road.

The removal of condition 5 is justified due to the LPA's inconsistent application of policy, as unobscured windows have been approved in similar or more sensitive contexts within the same development, demonstrating that the condition is unnecessary and unfair.

Accordingly, the proposal would comply with the Manchester Core Strategy (2012) and the Unitary Development Plan for the City of Manchester (1995), as well as the NPPF (2023), which collectively and amongst other matters require the highest quality of design for development.

For the reasons above, it is concluded that the proposed amendment to the permitted scheme would not be harmful to the amenities of neighbouring properties. Consequently, the disputed condition which required obscure glazing on the first-floor and second-floor bedroom windows on the side elevation of the dwelling is not necessary to make the development acceptable. It is asked that this retrospective proposal be considered favourably.

Recommendation

The Inspector is respectfully requested to allow this appeal.

HEAL Planning
11 St. Mary's Place
Shrewsbury
SY1 1DZ

Appendices

A. Enforcement letter.



**MANCHESTER
CITY COUNCIL**

Julie Roscoe
Director of Planning, Building
Control and Licensing

Floor 6, Town Hall Extension
Albert Square, PO Box 532
Manchester, M60 2LA

The Owner/Occupier
9 Gillbrook Road
Manchester
M20 6WH

Contact: Matthew Kilsby
Tel: 0161-234-4591
Email: matthew.kilsby@manchester.gov.uk

28 March 2024

Our reference: ENF/15766/24

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Non-compliance with planning permission 135558/FH/2022 at 9 Gillbrook Road, Manchester, M20 6WH

The Council has received enquiries in relation to the above and I understand that a new window opening created in the first-floor side elevation of the house, which was approved by the Council on 1 February 2023, has not been obscure glazed. As such, the following conditions have not been complied with:

- **Condition 2**
The development hereby approved shall be carried out in accordance with the following drawings and documents:

00101,00102,00110, 00120,00121 and the Location Plan, stamped as received on the 22 November 2022.
- **Condition 5**
The first floor and second floor bedroom windows on the side elevation of the dwelling house, shall be obscured glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

You are therefore required to carry out the following by **Monday 29 April 2024**:

1. Install obscure glazing in the newly created first-floor window in the side elevation of the house, as identified on the enclosed approved drawing ref. H2216-HEM-00-ZZ-DR-A-00121.

If you fail to comply by this date, then it is my intention to issue a Breach of Condition Notice. I must advise that failure to comply with a Breach of Condition Notice is a criminal offence in breach of Section 187A of the Town and Country Planning Act 1990 (as amended). You may be liable on summary conviction in the Magistrates Court to a maximum fine of £2,500 and up to £250 for each day during which the offence continues after conviction.

Yours sincerely,

Matthew Kilsby
Senior Development Compliance Officer

www.manchester.gov.uk

B. Appellant's response.

Nicola Richardson & John Edwards
9 Gillbrook Road
Manchester
M20 6WH
Email: nikkirichardson2501@gmail.com

Date: 21 April 2024
Your Letter Ref: ENF/15766/24
Planning Application No: 135558/FH/2022
Property: 9 Gillbrook Road, Didsbury, Manchester, M20 6WH (the "Property")

Dear Mr Kilsby

We refer to your letter dated 28 March 2023 and write to request the discharge of condition 5 of the above approved planning application.

I would hope that you would accept that the circumstances in this instance are different from the normal situations and that the condition requiring obscured glazing on the side elevation of the Property (both of which are bedroom windows) can be removed.

The decision notice issued on 1 February 2023 records that condition 5 was attached in order "to protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy".

The side elevation of the Property looks out onto Rushton Street and the blank side elevation/gable wall of 7 Gillbrook Road. We refer to the delegated officer report for planning application dated 30 January 2023 which, in respect of the proposed rear dormer, states, in relation to the view from the windows of said dormer, that "The view out of these would be across the applicants' own garden, facing a blank gable of the adjacent house at the rear of the site no 4 Rushton Street, as such there is no overlooking or loss of privacy for the neighbouring properties" (emphasis added).

We would also submit that the recent works which have been undertaken at the Property have reduced any overlooking and/or perceived overlooking in comparison to the position prior to works being undertaken. We set out below further references, sketches and photographs to illustrate the situation.

A) Second floor bedroom window

There was an existing window (with clear glazing) on the side elevation of the Property as noted in the following planning application documents: (H2216-HEM-00-ZZ-PH-A-00001_existing photographs & H2216-HEM-00-ZZ-DR-A-00021_Existing Side Elevations).

Following the recent works at the Property, the view from the second floor bedroom window remains the same as before the works were undertaken.

B) First floor bedroom window

As is apparent from the diagram and photographs below, prior to the recent works, the window from this room (which had clear glazing) was at the rear of the Property and enabled a view of the full length of Rushton Street.

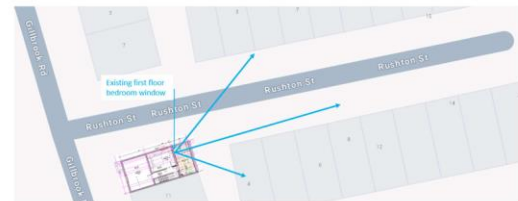


Figure 1: Previous view from first floor bedroom

Following the recent works, the newly installed window (which is smaller in area than the window previously installed to the rear) looks out onto a blank gable wall.



Figure 2: Current view from first floor bedroom

Finally, we refer to Manchester SPD 2.12 Buildings Frontage:

Buildings should front onto streets

2.12 It is important to achieve an adequate level of enclosure if streets and open spaces are to provide a sense of place and help people feel comfortable and safe. Buildings should present their main face and pedestrian entrance to the adjacent main street, to contribute to its vitality and interest. Windows and entrances should ensure that the street is overlooked to promote informal surveillance. Large areas of car parking and servicing should be situated to the rear, side of, or beneath the building, with clear safe accessible footways leading to the main door.

and Manchester SPD 8.4 Community Safety and Crime Prevention:

8.4 Developments should promote informal surveillance of the street. Buildings fronting streets, so that pavements are overlooked by windows and entrances, are encouraged as they increase security for street users. Overt security measures such as roller shutters create an increasingly intimidating environment on night time streets and alternative solutions will be encouraged. Where shutters are needed, their design and visual impact must be considered, to ensure that they do not reduce on-street security for pedestrians and cyclists, nor adversely affect the appearance of the street. Additionally, the use of shutters during the day, or obscured glazing on shop windows, will be discouraged so as to avoid dead and inactive looking frontages.

The window installed in the side elevation on the first floor promote and encourage informal surveillance to the adjacent Rushton Street area. This is particularly important given the ongoing anti-social behaviour in the immediate area (Gillbrook Road provides pedestrian access to Didsbury Park and parts of Rushton Street overlook Didsbury Park) which has seen a number of ASBOs issued to individuals within the last 12-18 months).

In view of the above, we would be grateful if condition 5 could be removed/discharged from the planning decision in respect of the Property. If access to the Property is required, we can provide such access by prior arrangement.

We await hearing from you.

Yours sincerely

N. Richardson John Edwards

Nicola Richardson & John Edwards.

C. Approved application 135558/FH/2022 | Erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevational alterations to provide additional living accommodation and installation of wall with railings | 9 Gillbrook Road Manchester M20 6WH

Decision notice:

		00101,00102,00110, 00120,00121 and the Location Plan, stamped as received on the 22 November 2022.
Town & Country Planning Act 1990 (as amended)		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.
Planning Permission		3) The development hereby approved shall be carried out in accordance with the materials as set out in drawings:
Applicant	Agent (if used)	00101,00102,00110, 00120, stamped as received on the 22 November 2022.
Richardson 9 Gillbrook Road Manchester M20 6WH	Ms Anna Roper HEM Architects Parkhead House Carver Street Sheffield S1 4FS	Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.
Part 1 – Particulars of the application/development		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 plans.
Proposal: Erection of first floor rear extension, new porch to front and installation of dormer to rear, including elevational alterations to provide additional living accommodation and installation of wall with railings		Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1.
Location: 9 Gillbrook Road, Manchester, M20 6WH		5) The first floor and second floor bedroom windows on the side elevation of the dwelling house, shall be obscured glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.
Date of application: 9 December 2022		Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.
Application number: 135558/FH/2022		Informatives
Part 2 – Particulars of decision		This decision relates to the extension or improvement of an existing dwellinghouse, falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not infer or imply approval for the use of the property for any other purpose.
Manchester City Council gives notice that the development referred to in Part 1 has been Approved in accordance with the application and plans submitted subject to the condition(s) listed below (if any).		Manchester City Council has made an Article 4 Direction to remove permitted development rights that allow for a change of use from Class C3 - <i>Dwellinghouses</i> to Class C4 - <i>House in Multiple Occupation</i> . This means that from 8 October 2011, planning permission is required for a change of use from a Dwellinghouse to a House in Multiple Occupation. Further information regarding the Article 4 direction can be found on Manchester City Council's website: www.manchester.gov.uk/info/200074/planning/4847/article_4_direction
Article 35 Declaration		If you intend to use the property to which this decision relates for any purpose other than a dwellinghouse, you should first contact Manchester City Council's Planning Service. Failure to obtain any necessary planning permission prior to carrying out a material change of use or physical development could result in enforcement action being taken, which can have serious implications.
Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No issues have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.		This permission does not grant approval under Building Regulations.
Condition(s) attached to this decision		
1) The development must be begun not later than the expiration of three years beginning with the date of this permission.		
Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.		
2) The development hereby approved shall be carried out in accordance with the following drawings and documents:		

Proposed elevations:

