

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139306/FO/2024
Date registered valid: 19 February 2024
Proposal: Retrospective application for existing side elevation windows on the first floor
Address: Flat 1, 162 Manchester Road, Chorlton, Manchester, M16 0DZ
Ward(s): Chorlton Ward

Applicant: Mr Ghulam Mustafa
Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 15th April 2024



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 April 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 28 February 2024 Expired: 20 March 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

The application site is situated along Manchester Road at first floor level within a parade of shops. The parade is subdivided with retail units on the ground floor and flats above. An extension to the ground floor side of a commercial unit separates the first floor flat from residential dwelling houses which are located south of the site.



Listed building: Not applicable

Conservation area: Not applicable

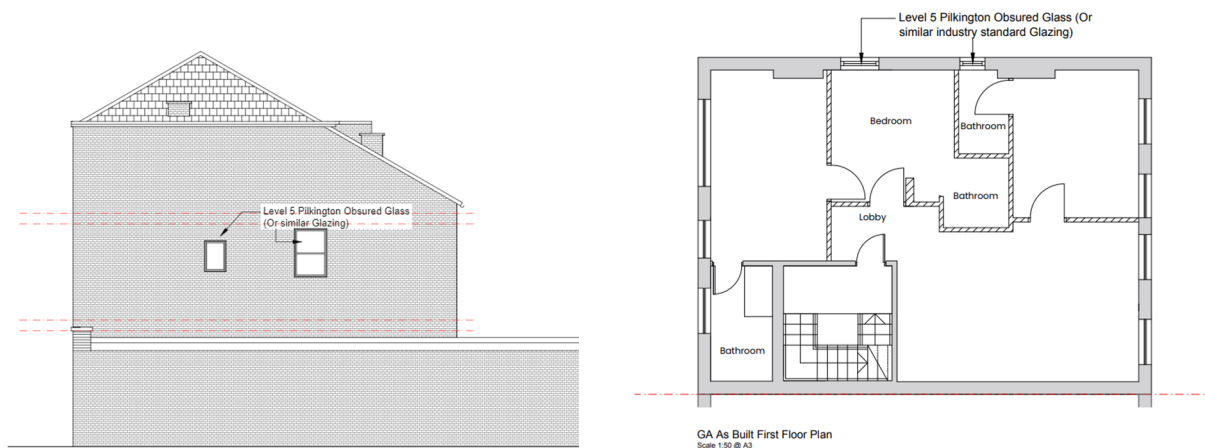
Tree Preservation Order: Not applicable

Description of area

The area is mixed with commercial units along Manchester Road, residential dwellings opposite, to the rear and the side.

Description of development

The applicant seeks planning permission for retrospective application for existing side elevation windows on the first floor.



Consultations & Notification Responses

Local residents - as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. One letter of objection has been received in respect of this application. Summary of comments as follows:

- The windows are side opening and overlook my property
- All the glass is not obscure

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)

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development 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 will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February). 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.

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

The City 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.

Principle

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered acceptable and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

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

Planning history

Previous planning applications relating to this site as follows:

139306/FO/2024 Application Pending Consideration - Flat 1, 162 Manchester Road, Chorlton, Manchester, M16 0DZ, Retrospective application for existing side elevation windows on the first floor

124530/FO/2019 Application Withdrawn - 31.10.2019 162 Manchester Road, Manchester, M16 0DZ Erection of first storey rear extension with accessible terrace, together with rear dormer extension to create one additional self-contained flat

076327/FU/2005/S1 Application Approved - 15.08.2005 162 Manchester Road, Whalley Range Change of use of ground floor from retail (class A1) to financial and professional services (Class A2)

065148/FO/SOUTH1/02 Application Approved - 12.07.2002 162, Manchester Road,, Chorlton-cum-Hardy, Installation of new shop front

047769/FO/CENTL1/95 Application Withdrawn - 13.06.1995 162, Manchester Road,, Whalley Range, Single storey extension at side and two storey extension at rear of shop to form workshop and flats above

048906/FO/CENTL1/95 Application Approved - 24.10.1996 162, Manchester Road,, Whalley Range, Single storey extension to side and rear of existing shop to provide an enlarged retail area and workshop for an expansion to the radio fitting business at 164 Manchester Road.

F07794 Application Approved - 01.03.1978 162 Manchester Road,, Chorlton-cum-Hardy., Use of office as a hot food take away.

F07950 Application Approved - 16.02.1978 162 Manchester Road,, Chorlton-cum-Hardy., Change of use of the ground floor to a shop and the first floor to a display and office use.

F07754 Application Approved - 01.03.1978 162 Manchester Road,, Chorlton-cum-Hardy., Use of ground floor office as a restaurant.

028071 Application Refused - 20.02.1987 162, Manchester Road,, Whalley Range, WHALLEY RANGE, Change of use from shop to public place of worship including public meetings

F07864/EU Application Approved - 24.01.1978 162 Manchester Road,, Chorlton-cum-Hardy., Established Use Certificate It is claimed that the building has been used as an office and storerooms on the ground and 1st floor and residential use on the 2nd floor before the beginning of 1964 without planning permission in that behalf and has continue

036559 Application Approved - 02.08.1990 162, Manchester Road, Chorlton, WHALLEY RANGE, Two storey extension at side and rear of shop and offices

Residential Amenity

Planning permission is sought for retrospective installation of two windows in the side elevation of the building which serve Flat no. 1 at 162 Manchester Road. Concerns have been raised by a resident with regards to overlooking and loss of privacy.

The alterations to the first floor south elevation of the building are considered minor in nature and would facilitate natural light on the south boundary area of the flat. The applicant has annotated on the elevational drawings that the windows are to be obscurely glazed and to ensure there is no overlooking or loss of privacy, a condition for a fixed and obscure glazing has been attached.

Given the distance to the side elevation of the nearest property south of the site and the fact that the windows are to be obscurely glazed, the proposal is considered to be satisfactory and would not provide a harmful impact upon residential amenity.

Given the location of the windows, it is not considered that the introduction of windows in this location would provide a change which would be out of character with the surrounding area.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

1) The approved windows, shall be fixed and obscurely glazed within three months of the approval date.

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:

Received on 19th February 2024 numbered PL002 As built Side Elevation

Received on 15th April 2024 numbered PL04 GA As built First Floor Plan

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The windows in the side elevation shall be non-opening and obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity as annotated on drawing no. PL002 received on 19th February 2024.

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

Appendix 1 – List of consultees & neighbours notified

Flat 1, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 2, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 4, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 5, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 8, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 6, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 7, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 2, 162 Manchester Road, Chorlton, Manchester, M16 0DZ
Flat 3, Conifers House, 158 Manchester Road, Chorlton, Manchester, M16 0DZ
164 Manchester Road, Chorlton, Manchester, M16 0DZ
164B Manchester Road, Chorlton, Manchester, M16 0DZ
164A Manchester Road, Chorlton, Manchester, M16 0DZ
173 Manchester Road, Chorlton, Manchester, M16 0ED
162 Manchester Road, Chorlton, Manchester, M16 0DZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA