MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138961/FH/2024
Date registered valid:	10 January 2024
Proposal:	Addition of a basement level window to front involving localised excavation
Address:	33 High Bank, Manchester, M18 8UL
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Mr Wayne Liu
Agent (if any):	Mr Brendan Todd, Brendan Todd Architecture
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	7 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 6 March 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 11 January 2024 Expired: 1 February 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

This application relates to a two storey, bay fronted mid-terraced dwellinghouse with pitched roof and grey slate roof tiles. The terrace houses along this row are characterised by original two storey rear outriggers with small single storey lean-to's projecting off the rear building line. A gated alleyway runs along the rear boundary.





To the front, is small yard area enclosed by a brick wall with privet hedge behind. No off-road parking is provided.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character, largely comprising two storey dwellinghouses.

Description of development

Planning permission is sought to open up an existing basement level opening the insertion of a single front window at basement level to facilitate natural light to the basement area. The involves some localised excavation to allow for a greater window depth.

At the time of the site, work had commenced on the localised excavation.

Consultations & Notification Responses

Local Residents/Occupiers – 2 objections have been received from neighbouring occupiers as concerns are raised that the use of the basement could be used to facilitate more accommodation for use as house in multiple occupation.

Relevant Planning History

135917/FH/2023

Erection of single storey rear extension to form additional living accommodation. *Approved 17 March 2023.*

Policy

The below policy and guidance is considered relevant to the consideration of this application:

-Policies DM1 and SP1 of the Manchester Core Strategy;
-Places for Everyone (Consultation Draft);
-National Planning Policy Framework (NPPF).

Issues

Principle

The principle of allowing residents to extend or make alterations to 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 case, the proposed alterations are considered acceptable and in accordance policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Residential and Visual Amenity

No external access requiring a lightwell is proposed. As such, access to the basement would be from the internal ground floor and would not therefore result in an additional activity to the property frontage.

In terms of the physical appearance of the basement level window, given that other similar alterations have made to basement openings locally and as front boundary treatment largely screens the lower part of the frontage, with minimal views of the opening being visible from the road frontage, any impact is considered less than significant. On this basis, the impact to amenity is considered satisfactory.

Other Matters

Whilst concerns have been raised that the proposed basement may be used to facilitate use of the property as a house in multiple occupation, the application is presently a dwellinghouse.

Any use of the property as HMO would require a separate application for planning permission. The proposal in this case has been assessed on the impact of the proposed elevational alteration only. Concerns regarding the prospective use of the property as HMO are not therefore a relevant consideration.

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

Reason - To ensure the appearance of the existing building is not adversely affected by the materials to be used, pursuant to policies DM1 of the Manchester Core Strategy.

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

Drawings referenced A-102/1 and A10/3, received by the City Council as Local Planning Authority on 8 January 2024.

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.

Appendix 1 – List of consultees & neighbours notified

35 High Bank, Manchester, M18 8UL
31 High Bank, Manchester, M18 8UL
58 High Bank, Manchester, M18 8UL
56 High Bank, Manchester, M18 8UL

54 High Bank, Manchester, M18 8UL

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA