

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137334/FH/2023
Date registered valid: 19 June 2023
Proposal: Creation of first floor rear roof terrace together with the installation of privacy screens.
Address: 2 Whitehead Road, Manchester, M21 9HA
Ward(s): Chorlton Ward

Applicant: Ventre
Agent (if any): Mrs Megan Willars, Arkiplan Architectural Ltd
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 14th August 2023



Application details

Type of application:	Full Householder Application
Development type:	Householder
Date of site visit:	11 July 2023
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	Printed: 28 June 2023 Expired: 19 July 2023
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 site relates to a two storey end terrace property in the Chorlton ward area of Manchester. The property features a two storey rear outrigger with a flat roof single storey rear projection abutting the rear alleyway.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

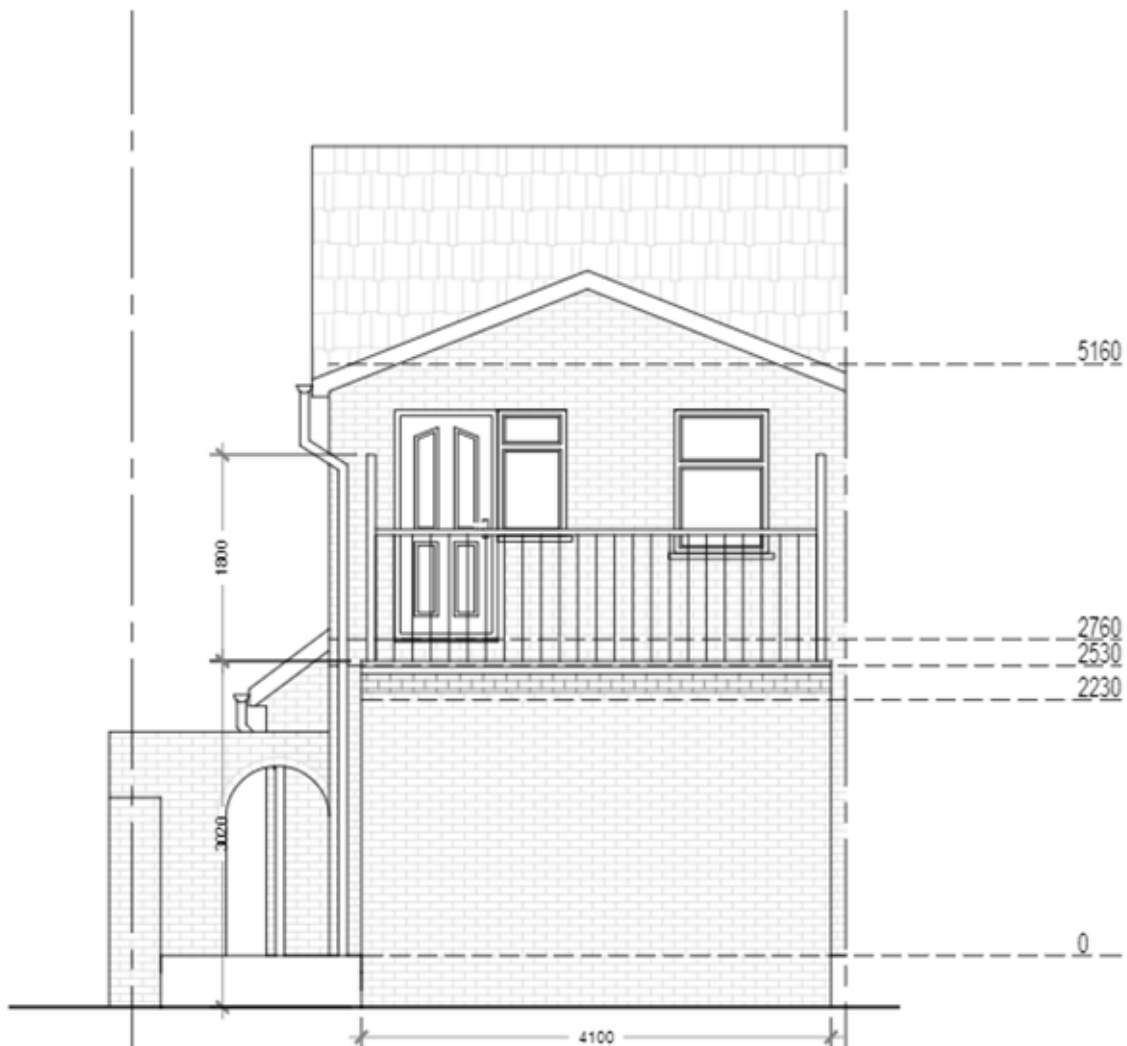
The area is predominantly residential in nature.

Description of development

The application is seeking planning permission for the creation of first floor rear roof terrace together with the installation of privacy screens



Proposed West Elevation
Scale 1:50



Proposed South Elevation
Scale 1:50

Consultations & Notification Responses

Local residents, as per Appendix 1 – There have been no response as a result of this proposal.

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- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.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 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.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

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 unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application. On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

No previous planning applications relating to this site.

Plans considered as part of this proposal

are as follows:

Received 19th June 2023 numbered D02 Rev 2 Existing Floor Plans
Received 19th June 2023 numbered D03 Rev 2 Proposed Floor Plans
Received 19th June 2023 numbered D04 Rev 2 Existing Elevations
Received 19th June 2023 numbered D05 Rev 2 Proposed Elevations

Residential Amenity

The applicant is seeking the Creation of first floor rear roof terrace together with the installation of privacy screens. The officer informed the agent/applicant of the concerns regarding the proposal.

The property features a single storey extension which projects off the rear elevation of the property in line with the rear wall of the site abutting the rear alleyway. The projection has an existing flat roof which appears to have an existing access from the first floor to the roof area. The distance from the rearmost part of the proposed roof terrace to the nearest habitable room window measures at approximately 8.0m and whilst the City Council acknowledges that the proposal comprises privacy screens to a length of 3.770m on each side of the of the roof, it is believed that the proposal would provide overlooking and loss of privacy to rear habitable room windows of the neighbouring properties especially given the close proximity together with the height and excess rearward projection of the roof terrace.

Overall, it is considered that the introduction of a roof terrace in this location would lead to an unacceptable loss of privacy and overlooking to the occupiers of properties opposite the site leading to a loss of residential amenity which is out of character with the area. Therefore, the proposed development does not accord with saved policy DC1 of the UDP and Manchester Core Strategy Policies DM1 and SP1 and NPPF.

Siting, scale and massing

The size and footprint of the proposed roof terrace is believed to provide an unacceptable overbearing impact upon the residential amenities of the adjoining and surrounding properties and therefore, it is considered that the proposal would be out of character with the surrounding properties in the area.

It is therefore considered that the proposed roof terrace is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure. On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Conclusion

It is considered that the proposal would provide visual harm to the occupiers of the adjacent and surrounding properties and on the character of the area and therefore does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy.

Issues

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

The proposal would 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 roof terrace due to its excessive rearward projection and height would create an unacceptable loss of privacy leading to overlooking of neighbouring properties to the detriment of their residential amenity. The proposed enclosure would also be overbearing to the detriment of the residential amenity of neighbouring properties and the character of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1 and saved Unitary Development Plan policy DC1.

Appendix 1 – List of consultees & neighbours notified

7 Whitehead Road, Manchester, M21 9HA
31 Eleanor Road, Manchester, M21 9FZ
38 Cartwright Road, Manchester, M21 9EY
9 Whitehead Road, Manchester, M21 9HA
5 Whitehead Road, Manchester, M21 9HA
3 Whitehead Road, Manchester, M21 9HA
1 Whitehead Road, Manchester, M21 9HA
33 Eleanor Road, Manchester, M21 9FZ
22 Eleanor Road, Manchester, M21 9FZ
36 Cartwright Road, Manchester, M21 9EY

34 Cartwright Road, Manchester, M21 9EY

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA