

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137486/NMC/2023

Date registered valid: 5 July 2023

Proposal: Non material amendment to planning permission referenced 130589/FO/2021 to allow change to building footprint

Address: 77 Barlow Road, Manchester, M19 3DB

Ward(s): Levenshulme Ward

Applicant: Mr Shaiq Siddiq

Agent (if any): FLOCC STUDIO LTD Tomislav Vuletic

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 July 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

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: No

Tree Preservation Order: No

Description of area

This application relates to a 2-storey end of terrace house with a lean-to bay frontage and rear garden, located in a residential area and on the north-side of Barlow Road. The property has a pitched roof with a gable elevation that is adjoined by a parking space and car port to No 79. (The car port has pitched roof that is integrated into the side and rear extension to that property.)

Description of development

The approved elevation and layout is shown at Fig.1. The proposed amendment is shown at Fig. 2 and the relationship of the site to shared boundary with No 75 is shown at Fig.3.

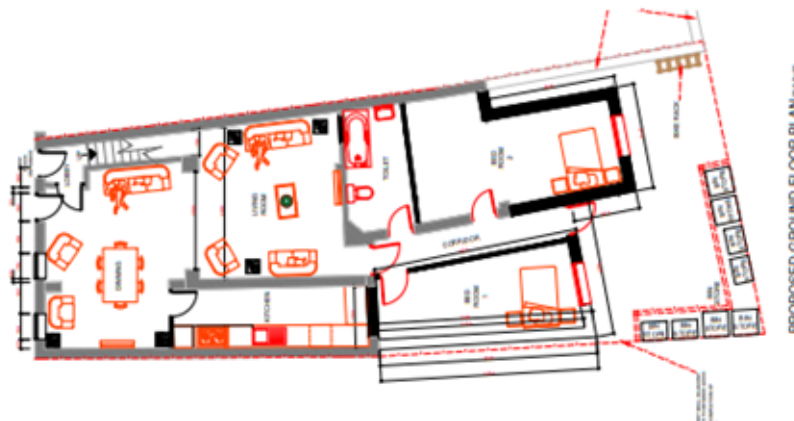
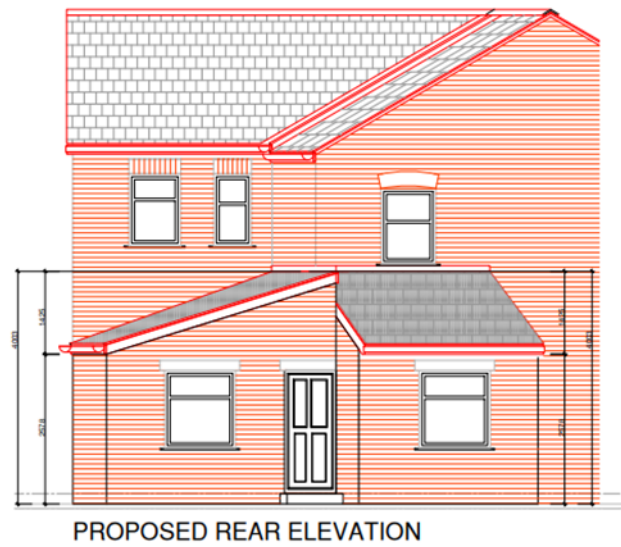


Fig. 1 – Elevation and layout approved under planning permission ref: 130589/FO/2021



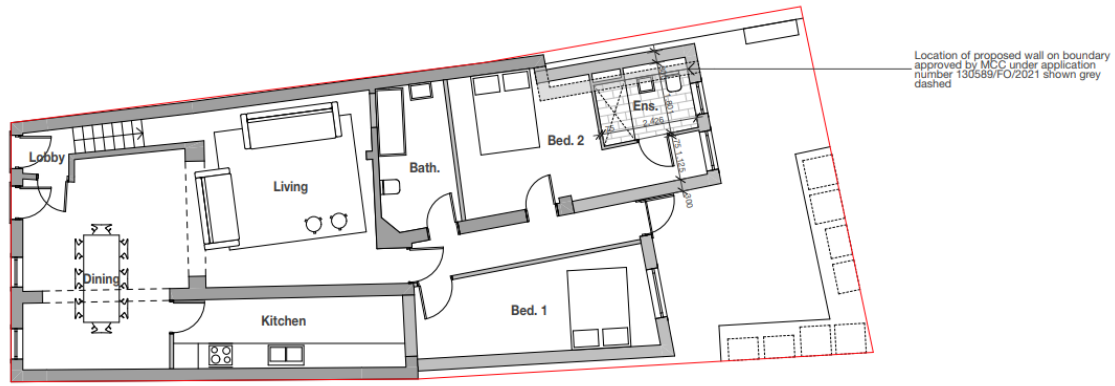


Fig.2 – Proposed amendment



Fig.3 - The relationship of the site to the shared boundary with No 75 is shown at Fig.3.

The proposed amendment would maintain the use of No 77 as a two bedroom flat as previously approved. The proposed changes would involve:

- i. An increase in the width of the extension by 400 mm, siting it adjacent to neighbouring wall to the extended 75 Barlow Raid, positioned along the shared western boundary.
- ii. Enlargement of the leant-to roof to correspond with changed to the rear extension whilst maintaining the previously approved ridge and eaves heights.
- iii. Amendments to the rear elevation involving the replacement of a single window being replaced with a pair of windows. One of the additional windows would be obscurely glazed to facilitate the formation of an en suite bathroom as part of the reconfiguration of bedroom 2 of the authorised apartment.

Consultations & Notification Responses

None required.

Issues

Policy - The proposed development was fully assessed with reference to the NPPF, Core Strategy and saved policies of the Unitary Development Plan and allow the relevant guidance. The following guidance and policies are considered to be relevant to the proposed amendment:

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The following aspects of the Framework are relevant to the assessment of this application:

- i. Chapter 8: Promoting healthy and safe communities:
- ii. Chapter 12: Achieving well-designed places.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Design

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

- i. Policy SP 1 (Spatial Principles)
- ii. Policy EN1 (Design Principles and Strategic Character Areas)
- iii. Policy DM1 (Development Management)

Unitary Development Plan (saved) policy – The amended development would relate appropriately to the following policies:

- i. Policy DC1 - Residential Extensions
- ii. Policy DC26 (Development and noise)

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

The following sections are of particular relevance:

i. Section 2 Design.

The above issues were assessed as part of the consideration of planning application ref: 130589/FO/2021, which considered to be acceptable based on the submitted details. It is not considered that the proposed amendments would substantially depart from the approved details. The development would thereby continue to accord with the guidance and policies outlined above.

Principle of the amendment – The development would bring built form marginally closer to the shared boundary with the adjoining No 75. However, the height of the extension would be related to the approved parameters and, significantly, the presence of rear extension along the shared boundary (and related to No 77) would minimise the impact on the neighbouring property. It is not considered that the principle of the development would be affected by the proposed amendments. Although the quality of the proposed accommodation would improve, the number of bedrooms and intensity of occupation would not.

Design – The proposed amendments have been appropriately related to the established design characteristics and magnitude of development. The use of appropriate materials would be secured by condition.

Residential amenity – It is not considered that the development would affect the relationship of the development to its context or otherwise harm residential amenity. The proposed changes to window configuration would not result in any overlooking or additional loss of privacy. A condition has been included to ensure obscured glazing to the proposed en-suite bathroom window.

Conclusion - The amended development is considered to be acceptable, in relation to its design, appearance, function and impact on residential amenity.

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

N/A

Condition(s) to be attached to decision for approval

1) The details of the proposed amendments to the side and rear elevations of approved extension involving:

- i. An increase in the width of the extension by 400 mm, siting it adjacent to neighbouring wall to the extended 75 Barlow Road, positioned along the shared western boundary.
- ii. Enlargement of the lean-to roof to correspond with changed to the rear extension whilst maintaining the previously approved ridge and eaves heights.
- iii. Amendments to the rear elevation involving the replacement of a single window being replaced with a pair of windows. One of the additional windows would be obscurely glazed to facilitate the formation of an en suite bathroom as part of the reconfiguration of bedroom 2 of the authorised apartment.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and is acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will have no material impact upon the character of the development or upon the visual or residential amenity of nearby occupiers.

Therefore, I can confirm that the proposed amendments are hereby approved subject to the following conditions.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents (references to be included) and stamped as received by the City Council on: 5 July 2023:

Application forms for a non-material amendment following a grant of planning permission

Location Plan TP2.1

Site Plan - Proposed TP2.1

Plans - Proposed Plan As Approved TP3.1

Plans - Proposed Plan Amended TP3.2

Elevations - Proposed Elevations As Approved TP5.1

Elevations - Proposed Elevations As Approved TP5.2

Elevations – Proposed TP5.3

Elevations – Proposed TP5.4

Perspective 01 TP9.1

Perspective 02 TP9.2

Perspective 03 TP9.3

Perspective 04 TP9.4

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 for the City of Manchester.

4) The materials to be used in the construction of the extension hereby approved and any required 'making good' of the wall along the shared western boundary, including bricks and roof tiles, together with the method of coursing and pointing, shall match the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

5) 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 shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings referenced: Plans - Proposed Plan Amended TP3.2; Elevations – Proposed TP5.3; Elevations – Proposed TP5.4; Perspective 01 TP9.1; Perspective 02 TP9.2; Perspective 03 TP9.3 and Perspective 04 TP9.4.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Before the occupation of the development windows to bathrooms as indicated on the approved drawings ref: Plans - Proposed Plan Amended TP3.2 and Elevations – Proposed TP5.3 shall be obscure 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.

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 for the City of Manchester.

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Area Team Boundary - Name: NORTH AREA