

Planning

Growth & Development

Delegated officer report for planning application

Application no. 145005/JO/2026

Date registered valid: 29 January 2026

Proposal: Erection of part single, two-storey side and rear extension following demolition of garage and boundary treatment, and installation of front boundary treatment and personnel gate to the front of the property, without complying with Conditions 2 (Specified Plans) and 4 (Obscure Glazing) attached to Planning Permission 139731/FH/2024.

Address: 32 Hawthorn Road, Manchester, M40 3RH

Ward(s): Moston Ward

Applicant: Mr Anthony Hill

Agent (if any): Mr Trevor Cousins Forty8 Design Ltd

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26 March 2026

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 10 February 2026

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 6 February 2026 Expired: 27 February 2026

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 and area



Photograph 1 Case officer site photograph, taken on the date shown.

The application site relates to a semi-detached, two storey, red brick dwellinghouse characterised by a mock Tudor gable feature, circular bay windows and a recessed front porch.

The property benefits from both large front and rear gardens, with the front garden containing a driveway with a dropped kerb providing access to Hawthorn Road.

The surrounding area forms part of the ward of Moston and is characterised as being in residential in nature.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant has applied for planning permission to erect a part single, two-storey side and rear extension following demolition of garage and boundary treatment, and installation of front boundary treatment and personnel gate to the front of the property, without complying with Conditions 2 (Specified Plans) and 4 (Obscure Glazing) attached to Planning Permission 139731/FH/2024.

Consultations & Notification Responses

Publicity – Notification letters were sent to surrounding properties (see Appendix 1 for the full list).

Local residents/public opinion – Three representations have been received two objecting to the application and a third who has made comments neither objecting to or supporting the planning application. A summary of the key matters raised are listed below:

Objections

- Raised concerns that the replacement of side windows with side opening and clear glazing would result in direct overlooking, a loss of privacy, loss of enjoyment of outdoor space and visual intrusion.
- The proposal is contrary to the development plan and the original reason for the imposition of condition 4 of the original planning permission.
- The relationship between the two properties has not changed and the Council previously determined that obscure glazing and top opening only windows were necessary to protect privacy.
- Condition no.4 was agreed to by the applicant.
- The fence between the two properties does not provide privacy between the properties, raised concerns that the fence can be removed or altered at anytime.
- Raised a query as to whether the application is valid as the application references a variation to condition 3 rather than 4.

Neither objecting to nor supporting

- If the LPA is minded to approve the application, they have requested that a condition of the approval should require the minimum of one swift nest brick to provide biodiversity enhancements.

National Policy

National Planning Policy Framework (NPPF)

The NPPF (updated December 2024) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e., the Core Strategy Development Plan Document (2012) and

accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 of the National Planning Policy Framework (NPPF) emphasizes a presumption in favour of sustainable development. For decision-making, this means:

- Approving development proposals that align with an up-to-date development plan without delay.
- Where there are no relevant development plan policies, or the key policies are out-of-date, granting permission unless:
 1. Policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal.
 2. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole

Paragraphs 202, 207, 208, 210 and 212 of the NPPF requires that new development should protect and enhance the historic environment. Pursuing sustainable development involves seeking improvements in the quality of the historic environment, replacing poor design with better design that makes a positive contribution to local character and distinctiveness

Regional Policy

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st of March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

JP-S1: Sustainable Development

Focuses on ensuring that all new developments contribute to sustainable development. This means balancing social, economic, and environmental objectives to create resilient and thriving communities.

JP-P1 Sustainable Places

Aims to create places that are not only sustainable but also resilient, safe, and capable of adapting to major environmental and economic changes. This policy emphasizes the importance of designing out crime, reducing opportunities for anti-social behaviour, and ensuring that developments make appropriate provisions for emergencies.

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial 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 and protect and enhance the built and natural environment.

DM1 – Development Management 1

Focuses on ensuring high-quality design in new developments. It sets out criteria to assess the design, scale, and appearance of proposals to ensure they enhance or create character and protect the built environment. Key considerations include:

- **Design Quality:** Ensuring developments are visually appealing and contribute positively to the local area.
- **Context Appropriateness:** Making sure the design, scale, and appearance are suitable for the surrounding context.
- **Sustainability:** Promoting sustainable design and construction practices.
- **Amenity Protection:** Safeguarding the amenity of existing and future occupants

The relevant UDP policies for this application are:

DC 1.1 – 1.4 – Residential Extensions

Focus on residential extensions and set out criteria for assessing proposals.

The Guide to Development in Manchester SPD

Adopted in 2007, the SPD provides comprehensive planning guidance to support and enhance the development of the city. For example, the SPD aims to ensure attractive, well-designed, and well-maintained neighbourhoods that support sustainable development and community well-being.

Planning History

There has only been one previous application at this property for the erection of part single, two storey side and rear extension following demolition of garage and boundary treatment, and installation of front boundary treatment and personnel gate to the front of the property.

The application, reference 139731/FH/2024 was approved on the 12 June 2024.

Retrospective Application

The applicant has submitted an application under Section 73A of the Act to retain the part single, two-storey side and rear extension following demolition of garage and boundary treatment, and installation of front boundary treatment and personnel gate to the front of the property, without complying with Conditions 2 (Specified Plans) and 4 (Obscure Glazing) attached to Planning Permission 139731/FH/2024.

According to Paragraphs 012 and 013 of the Government's Planning Practice Guidance on Enforcement and post-permission matters (Reference ID: 17b-012-20140306 and 17b-013-20140306), a local planning authority can invite a retrospective application (section 73A of the

Town and Country Planning Act 1990). If the Council, as the local planning authority, believes that an application is the appropriate way forward to regularise the situation.

In this case, the applicant was asked to submit a planning application following an investigation into complaints about the windows installed in the side elevation facing 34 Hawthorn Road are not obscured glazed and the upper floor windows are not top opening.

Whilst the Council may invite an application, it cannot be assumed that permission will be granted, and the local planning authority must be careful not to limit its ability to make decisions before reviewing any planning permission application, such an application must be considered in the normal way.

As observed during the officers site visit on the 10 February 2026 the part single, two storey side and rear extension has been built; the elements that remain to be built from the planning permission are works to the front boundary treatment and personnel gate.

It was also observed that the boundary treatment along the shared boundary between 32 and 34 Hawthorn Road has also changed to a 1.8-metre-high domed type timber fence.

The relevant condition attached to the 2024 planning permission states:

4. Before first occupation, all fenestration facing the common boundary with no.34 Hawthorn Road as shown on the approved 'Drawing- Proposed- Elevation, numbered 2404(08)10 REV A (Side)', stamped as received by the City Council as Local Planning Authority on 24 May 2024 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.

In addition, the windows within this elevation shall be top opening only and shall remain so in perpetuity.

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

An assessment therefore needs to be made whether the condition can be amended to allow for obscure glazed, side opening windows at first floor level and non-obscure glazed windows at ground floor level.

Issues

Impacts on privacy and neighbouring amenity are considered to be a material planning consideration, both policy DM1 of the Core Strategy and saved policy DC1 of the UDP. As noted above, an objection has been received on the grounds that the replacement of side windows with side opening and clear glazing results in direct overlooking, a loss of privacy, loss of enjoyment of outdoor space and visual intrusion.

First Floor Windows

As seen in the photograph below, these windows are obscure glazed but are side opening, which is in breach of condition 4. As such, an assessment must be made as to whether there would be any harm caused by the side opening.

These windows serve an ensuite to the master bedroom and a bathroom and given the likely usage it is not considered that the side opening of these windows – as opposed to top opening – would give harm neighbouring amenity and privacy of the occupiers of no. 34.

In addition, the rooms are not main habitable rooms and, in general, would only be opened periodically for ventilation and cleaning. Even if they were to remain open for longer periods of time, the fact that they are no main habitable rooms would mean that the potential for prolonged overlooking during the day from the application site would be limited.

Ground Floor Windows

These two side windows have been installed with clear glazing (photographs 2,3 and 4). These two windows are for the open plan kitchen and dining area and are clearly secondary windows, with the main openings facing towards the garden at the rear of the property. The side door of the utility/boot room contains obscure glazing, which is therefore not an issue in this instance.

The side elevation of the rear extension, which contains the unauthorised windows, is set-back by approximately 3.1 metres to the shared boundary with No. 34 Hawthorn Road and approximately 9.7 metres to the conservatory of No.34 (Image 1).



Image 1 Approved Proposed Site Plan with distances from the rear extension to the shared boundary and conservatory of no. 34 Hawthorn Road.



Photograph 2 Case officer site photograph of the ground and first floor windows as installed, taken on the date shown.

The pattern of development in the area means that there inevitably there will be some overlooking of gardens by neighbours from windows.

During the consideration of the original planning permission concerns regarding overlooking and privacy were raised with the applicant particularly in relation to the side windows due to the lack of boundary treatment between the two properties and the elevated position of No.32.

To address these concerns the applicant agreed to obscurely glazing the windows and the addition of a 1.8-metre-high close board garden fencing along the shared boundary. As shown in photograph 2, the fencing has been erected.

Officers visited both 32 and 34 Hawthorn Road in order to make an assessment of the proposal. Photographs 3 and 4 show the view from inside the extension and photograph 5 shows the view from the kitchen of No.34.

The view from the rearmost window (Photograph 4) faces directly onto the shared boundary and garage to the rear of No.34. There are not considered to be any concerns in relation to this window being clear glazed, as there are clearly no detrimental impacts on neighbouring amenity with regards to overlooking and privacy. It is therefore considered that there would be no reason to insist that this window is obscure glazed.

It is accepted that the other window (Photograph 3) provides a view towards the shared boundary and the rear of no.34 and looks onto the side of the rear conservatory.

The window serves an open plan kitchen and dining room and form secondary windows, with the main outlook being to the rear garden area, through a floor to ceiling window and sliding doors.

The height to the mid-point of the window is 1.77 metres and as can be seen from the photographs 2 and 3 the shared boundary fence that has been installed does provide a screen into the garden area of No.34, note that only the top part of the garage door is visible.

Given the position of the window, which is visible from the rear garden of no. 34, it is likely that it does give rise to the perception of overlooking. However, such perception would not be unacceptably harmful given the fact that shared boundary fence does provide a level of privacy to both gardens and the distance to the conservatory of nearly 10 metres and the obtuse angle to the kitchen window of no. 34 means that there is not considered to be any actual loss of privacy to the occupiers of no. 34.



Photograph 3 & 4 Side kitchen windows facing No.34 Hawthorn Road taken on 19 January 2026



Photograph 5 Case officer site photograph of the kitchen window at no.34 Hawthorn Road, taken on the date shown.

Conclusion

For the reasons given above, it is considered that the varying of condition 4 – to allow side opening obscure glazed windows at first floor level and non-obscure glazing at ground floor level – does not have a harmful effect on the living conditions of the occupiers of No. 34, with particular regard to privacy and overlooking. The varying of the condition would not conflict with local and national planning policies.

Conditions

The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.

In this case as the development has already been implemented and completed, it is not necessary to impose the time limit condition. The permission shall be varied by deleting conditions and renumbering the remaining conditions.

It is also necessary to amend the conditions to reflect the changes hereby approved, as described below:

Condition 4 (now condition 2) which required all windows facing the common boundary with no.34 Hawthorn Road to 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, shall be amended to relate only to the first-floor windows and ground floor door of the development hereby approved.

In respect of condition 6 (now 3) changes to improve the clarity and precision of the wording and to require that the gates and brick piers are carried out in accordance with those approved details, ensuring that the driveway and pedestrian gates open inwards and that the materials for the brick piers are similar in appearance to the existing front boundary wall.

Other Matters

A representation was received requesting a condition for biodiversity enhancements, specifically the requirement for the installation of a swift brick.

The changes to the proposal relate to the windows in the side elevation. As the extension has largely been completed it would be unreasonable to now request the addition of a swift brick into the development.

In addition, householder applications are exempt from biodiversity net gain requirements.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay.

The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be inserted in the side elevations of the development hereby approved, without planning permission being granted by the Local Planning Authority.

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

2) The gates and brick piers to the Hawthorn Road frontage shall be carried out in accordance with the approved plans 'Drawing- Existing & Proposed- New Driveway Gates, numbered 2404(08)11', as approved under application 139731/FH/2024, on the 12 June 2024.

The materials used for the brick piers shall be similar in appearance to the materials used in the front boundary wall in terms of type, size, colour and texture.

The gates shall only open inwards and not onto the public highway.

Reason - In the interests of residential amenity, visual amenity and highway safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

3) The windows to the first floor, and the door to the ground floor, of the side elevation of the development hereby approved 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 be retained as such thereafter.

Reason - In order to protect the amenity of neighbouring residents and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Hawthorn Road, 34, Manchester, M40 3RH
34 Hawthorn Road, Manchester, M40 3RH
31 Hawthorn Road, Manchester, M40 3RH
53 Parkfield Road North, Manchester, M40 3TB
49 Parkfield Road North, Manchester, M40 3TB
30 Hawthorn Road, Manchester, M40 3RH
27 Hawthorn Road, Manchester, M40 3RH
12 Edith Cliff Walk, Manchester, M40 3TH
6 Edith Cliff Walk, Manchester, M40 3TH
36 Hawthorn Road, Manchester, M40 3RH
25 Hawthorn Road, Manchester, M40 3RH
16 Edith Cliff Walk, Manchester, M40 3TH
14 Edith Cliff Walk, Manchester, M40 3TH
10 Edith Cliff Walk, Manchester, M40 3TH
8 Edith Cliff Walk, Manchester, M40 3TH
4 Edith Cliff Walk, Manchester, M40 3TH
2 Edith Cliff Walk, Manchester, M40 3TH
38 Hawthorn Road, Manchester, M40 3RH
29 Hawthorn Road, Manchester, M40 3RH
59 Parkfield Road North, Manchester, M40 3TB
57 Parkfield Road North, Manchester, M40 3TB
55 Parkfield Road North, Manchester, M40 3TB
51 Parkfield Road North, Manchester, M40 3TB
51, Parkfield Road North, Manchester, M40 3TB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA