

## **PLANNING**

## **GROWTH & DEVELOPMENT**

### **DELEGATED OFFICER REPORT FOR PLANNING APPLICATION**

**Application no.** 144042/JO/2025

**Date registered valid:** 23 September 2025

**Proposal:** Variation of conditions 2a (specified plans) attached to planning permission 142954/FH/2025 to allow removal of 1no chimney and reduction of height of 1no chimney, addition of juliet balcony to rear extension and changes to window fenestrations.

**Address:** 21 York Road, Manchester, M21 9HP

**Ward(s):** Chorlton Ward

**Applicant:** Mr Ben Mottershead

**Agent (if any):** Mrs Amy Axon, Guy Taylor Associates

**Case officer:** Joshua Lee  
Tel: 0161 219 2851  
Email: [joshua.lee@manchester.gov.uk](mailto:joshua.lee@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 12 December 2025

## APPLICATION DETAILS

|                                         |                                                 |                          |
|-----------------------------------------|-------------------------------------------------|--------------------------|
| <b>Type of application:</b>             | Variation or Removal of Condition               |                          |
| <b>Development type:</b>                | Householder                                     |                          |
| <b>Date of site visit:</b>              | 14 October 2025                                 |                          |
| <b>Standard consultations:</b>          | Printed: 7 October 2025                         | Expired: 28 October 2025 |
| <b>Neighbour notifications:</b>         | Printed: 8 October 2025                         | Expired: 29 October 2025 |
| <b>Site notice:</b>                     | Posted: 14 October 2025                         | Expired: 4 November 2025 |
| <b>Press advert:</b>                    | Published: 14 October 2025                      | Expired: 4 November 2025 |
| <b>Departure from Development Plan:</b> | No                                              |                          |
| <b>Environmental Statement:</b>         | Not required                                    |                          |
| <b>Listed building:</b>                 | Not applicable                                  |                          |
| <b>Conservation area:</b>               | Wilbraham Road/Edge Lane Conservation Area 2005 |                          |
| <b>Tree Preservation Order:</b>         | No TPOs. Within a Conservation Area.            |                          |

## Description of site/building

The proposal is related to a two-storey semidetached dwellinghouse. The property features an existing rear conservatory feature (in disrepair) and large rear garden with hardstanding to the front for off street vehicle parking.

## Description of area

The property is in a mostly residential part of the Chorlton ward of Manchester. The site is within the Wilbraham Road/Edge Lane Conservation Area.

## Description of development

Variation of conditions 2a (specified plans) attached to planning permission 142954/FH/2025.

The proposed amendments include:

- Replacement UPVC windows changed to pale grey timber sash windows
- Glazing bars removed from proposed rear extension windows to maximise views of the garden
- Juliet balcony added to ground floor rear extension
- proposed chimney works, one chimney reduced by 1/3rd in height and a rear chimney fully removed. This is due to structural survey findings.

## PLANNING HISTORY

### 142954/FH/2025

Description: Erection of a basement level and ground floor rear extension with elevational alterations following the removal of existing garage, conservatory and raised decking

Decision: Approved 10/07/2025

### ENF/09533/09

Description: Deemed consent granted following successful ground (a) appeal against enforcement notice issued under reference ENF/09533/09 (appeal ref: APP/B4215/C/10/2123489) for the erection of a rear dormer extension

Decision: Deemed consent 26/10/2010

## **10/01374/ENF**

Description: Appeal against Enforcement Notice ENF/09533/09

Decision: Allowed 26/10/2010

## **ENF/09533/09**

Description: Installation of a rear dormer window

Decision: Enforcement action authorised 27/01/2010

## **CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES**

### **Consultations**

#### Manchester City Council Flood Risk

Following the determination of the original application, the Environment Agency has updated its flood mapping. The site is now identified as falling within a Flood Zone Plus Climate Change area and is subject to a medium risk of surface water flooding. This updated dataset was not available at the time of the original decision.

Manchester City Council's Flood Risk Management team were consulted in light of this change. They noted that the proposed development includes a basement construction, which lies within an area susceptible to surface water flooding during a 1 in 100-year event. This risk should be taken into account by the Local Planning Authority.

### **Notifications**

#### Local Residents

No representations received.

#### Residents Associations and Groups

Chorlton Civic Society were notified of the application but no response was received.

### **Publications**

#### Site Notice and Press Advertisements

No representations received

Further 14-day notification was issued with an updated description. All drawings and supporting documents have been available since the initial consultation period, and no representations have been received.

## **RELEVANT POLICIES**

Decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (s38(6) Planning and Compulsory Purchase Act 2004). Where relevant, duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 (ss.66(1)/72(1)) are engaged for listed buildings and conservation areas.

The following policies are considered relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#)
  - Development Management and Planning Obligations
    - DM 1 - Development Management
  - Objective 1 - Spatial Principles
    - SP 1 - Spatial Principles (Partially replaced by PfE Policy JP-S 1)
  - Objective 6 Environment
    - EN 1 - Design Principles and Strategic Character Areas
    - EN 3 – Heritage (Deletions replaced with PfE Policy JP-P2)

- EN 14 – Flood Risk (partially replaced by PfE Policy JP-S 4)
  - EN 19 – Waste
- [Extant Unitary Development Plan \(UDP\)](#) –
  - Citywide Development Control Policies
    - DC1 - Residential extensions
    - DC18 - Conservation Areas
    - DC26 - Development and Noise
- [Places for Everyone Plan Joint Development Plan Document 2022-2039-](#)
  - Strategy
    - JP-Strat9: Southern Areas
  - Sustainable and Resilient Places
    - JP-S1: Sustainable Development
    - JP-S4: Flood Risk and the Water Environment
  - Places for People
    - JP-P1 Sustainable Places
    - JP-P2: Heritage
- [The National Planning Policy Framework \(The NPPF\)](#) –
  - Section 2 - Achieving sustainable development
  - Section 4 – Decision-making
  - Section 12 – Achieving well-designed places
  - Section 16 - Conserving and enhancing the historic environment
- [Town and Country Planning Act 1990](#) –
  - Part 3
    - Determining applications
      - Section 73 - Determination of applications to develop land without compliance with conditions previously attached.

## ASSESSMENT

### Principle of development

The proposed variation is considered acceptable as it does not alter the fundamental nature of the approved development and remains consistent with the original description of development.

As stated in Policy DM 1 of the Manchester Core Strategy, all development should have regard to the following specific issues:

### Appropriate siting, layout, scale, form, massing, materials, and detail

The proposed works have minimal change to the siting scale and massing of the original proposal.

The change from uPVC to timber sash windows is welcomed being a more historically accurate, authentic and sustainable material for the Victorian dwelling.

Removal of the glazing bars to the rear extension windows will reinforce the lightweight nature of the addition to the rear elevation, enabling more of the original rear elevation to be revealed.

Addition of a Juliet balcony to the rear extension will have little visual impact on the proposal and no impact on the overall design aesthetic.

Alterations to the side chimney would ordinarily benefit from Permitted Development provision outside of a Conservation Area, whilst the rear chimney can be removed without restriction. Reduction of the side chimney by 1/3rd will not have an appreciable impact on the overall appearance of the dwelling and will retain the majority of the original, keeping a sense of the dwelling's design and vertical proportions.

While the site lies within the Wilbraham Road/Edge Lane Conservation Area, it is acknowledged that certain works, such as the removal of the rear chimney, could ordinarily be undertaken under permitted development rights outside of such a designation. In this case, although Conservation Area controls restrict some permitted development, the fallback position remains a material consideration. The applicant could reasonably argue that the removal of the rear chimney, which is not visible from the public highway and is

of limited architectural significance, could be carried out without planning permission were it not for the Conservation Area status. This fallback position, while not determinative, lends weight to the acceptability of the proposed variation in this instance.

Overall the cumulative impact of reducing and removing the side and rear chimneys would amount to less than substantial harm. The benefits are entirely private but can be weighed against the overall benefits to the improved appearance of the dwelling – removal of the side balcony and enhanced window treatments, which will have a positive impact on the character of the dwelling and thereby, the Conservation Area.

### **Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.**

The proposed works have minimal change to the impact on the character of the area with the change to timber sash windows being more appropriate for the character of the area.

### **Effects on amenity**

#### **Privacy**

The variation introduced a glass Juliet balcony to the rear glazing. This would have a minimal impact to privacy and no more harmful than the existing arrangement of floor to ceiling glazing.

#### **Light**

The proposed variation has negligible effect to light beyond the approved plans.

#### **Noise**

The proposed variation has negligible effect to noise beyond the approved plans.

### **Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.**

The proposal does not change how people can get in and out of the building.

### **Adequacy of internal accommodation and external amenity space.**

The proposed variation has negligible effect to internal and external amenity space beyond the approved plans.

### **Refuse storage and collection.**

The proposed variation has negligible effect to refuse and storage space beyond the approved plans.

### **Vehicular access and car parking**

The proposed variation has negligible effect to vehicle access and car parking beyond the approved plans.

### **Effects relating to biodiversity, landscape, archaeological or built heritage**

#### **Built heritage**

The proposal is within the Wilbraham Road/Edge Lane Conservation Area.

The Conservation Area is assessed by the LPA as having a high level of significance. Its special interest mainly derives from the quality of its surviving Victorian heritage assets and amenity garden spaces between buildings. These largely comprise of similarly scaled large Victorian villas within mature treed garden plots arranged in linear streets between Wilbraham Road to the north and Edge Lane to the south. The conservation area designation in particular notes the materials palette, spatial characteristics and architectural detailing of the visible elevations, but also references the importance of views from rear gardens.

The cumulative impact of reducing and removing the side and rear chimneys would amount to less than substantial harm. The benefits are entirely private but can be weighed against the overall benefits to the improved appearance of the dwelling – removal of the side balcony and enhanced window treatments, which will have a positive impact on the character of the dwelling and thereby, the Conservation Area.

In accordance with paragraph 208 of the National Planning Policy Framework, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, while the benefits of the proposed variation are primarily private, the improved design quality, particularly the use of timber sash windows and removal of glazing bars, will enhance the appearance of the dwelling and contribute positively to the character and appearance of the conservation area. This modest public benefit is considered sufficient to outweigh the limited harm arising from the chimney alterations.

### **Green Infrastructure including open space, both public and private**

The proposed variation has negligible effect to green space beyond the approved plans.

### **Flood risk and drainage.**

Following the determination of the original application, the Environment Agency has updated its flood mapping. The site is now identified as falling within a Flood Zone with Climate Change considerations and is subject to a medium risk of surface water flooding.

The proposed variation relates primarily to design amendments and does not introduce any changes that would materially affect flood risk or site drainage compared to the approved scheme. In light of this, it would be disproportionate to require further flood risk assessment or mitigation measures beyond those already deemed acceptable under the original permission.

## **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.

## **PLANNING BALANCE & CONCLUSION**

The proposed Section 73 variation does not alter the nature or scale of the approved development, with amendments, such as timber sash windows, removal of glazing bars, a Juliet balcony, and chimney alterations, being modest and improving overall design quality. The site lies within the Wilbraham Road/Edge Lane Conservation Area, and while the chimney changes result in less than substantial harm, this is outweighed by the benefits of enhanced materials and fenestration, in accordance with paragraph 208 of the NPPF. Following the original decision, the Environment Agency updated its flood mapping,

identifying the site as within a Flood Zone Plus Climate Change area and at medium surface water flood risk; Manchester City Council's Flood Risk team noted the basement's location in an area susceptible to flooding during a 1 in 100-year event, but the variation does not materially affect flood risk or drainage, and further assessment is not considered proportionate. No objections were received, and there are no additional impacts on amenity, highways, or flood risk. The proposal accords with the Manchester Core Strategy, saved UDP policies, Places for Everyone, and the NPPF, and approval is recommended subject to conditions.

## **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. The proposal is considered to be acceptable and therefore determined within a timely manner.

## **CONDITIONS TO BE ATTACHED TO DECISION FOR APPROVAL**

### **1. Time limit**

The development must be begun not later than the expiration of three years beginning with the date of planning permission reference 142954/FH/2025, that date being 10.07.2025

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

### **2. Specified plans**

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

- a. Drawing - Proposed 23 Sep 2025 PLANS AND ELEVATIONS

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy and JP-P1 & of Places for Everyone.

### **3. Materials as approved on plan**

The materials used in the external surfaces of the development hereby approved shall be those as specified on approved plan/drawings

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies SP1 and DM1 of the Core Strategy and the requirements of the National Planning Policy Framework.

## **APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED**

Chorlton Civic Society

Heritage & Urban Design

14A Groby Road, Manchester, M21 9GQ

Flat 8, 19 York Road, Manchester, M21 9HP

Flat 7, 19 York Road, Manchester, M21 9HP

Flat 6, 19 York Road, Manchester, M21 9HP

Flat 5, 19 York Road, Manchester, M21 9HP

Flat 4, 19 York Road, Manchester, M21 9HP

Flat 3, 19 York Road, Manchester, M21 9HP

Flat 2, 19 York Road, Manchester, M21 9HP

Flat 1, 19 York Road, Manchester, M21 9HP

16 Groby Road, Manchester, M21 9GQ

23 York Road, Manchester, M21 9HP

20 Groby Road, Manchester, M21 9GQ

18 Groby Road, Manchester, M21 9GQ

14 Groby Road, Manchester, M21 9GQ

## **APPENDIX 2 – PLANNING CONSTRAINTS**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Conservation Area - Wilbraham Road/Edge Lane Conservation Area 2005

Flood Zone Plus Climate Change -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA