

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

Application no. 144715/JO/2025

Date registered valid: 17 December 2025

Proposal: Variation of condition 2 (specified plans) and 4 (window restriction) attached to planning permission 137454/FH/2023 to add obscure window to side elevation

Address: 20 Dagnall Avenue, Manchester, M21 8EZ

Ward(s): Chorlton Park Ward

Applicant: Mr. Syed Raza Shah

Agent (if any): Mr. Niamat Ali, NA Design

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 19 January 2026

APPLICATION DETAILS

Type of application:	Variation or Removal of Condition
Development type:	Householder
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications:	Printed: 22 December 2025 Expired: 15 January 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
Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of site/building

The proposal relates to a semidetached dwelling on Dagnall Avenue. The property features hardstanding to the front for off street parking and hardstanding and landscaping to the rear.

Description of area

The property is in the predominately residential Chorlton Park ward of Manchester.

Description of development

Variation of condition 2 (specified plans) and 4 (window restriction) attached to planning permission 137454/FH/2023 to add obscure window to side elevation

The proposed variation introduces a new obscurely glazed window to the first floor of the side elevation of the rear extension.

The proposal would also remove the Additional glazing restriction condition to allow this.

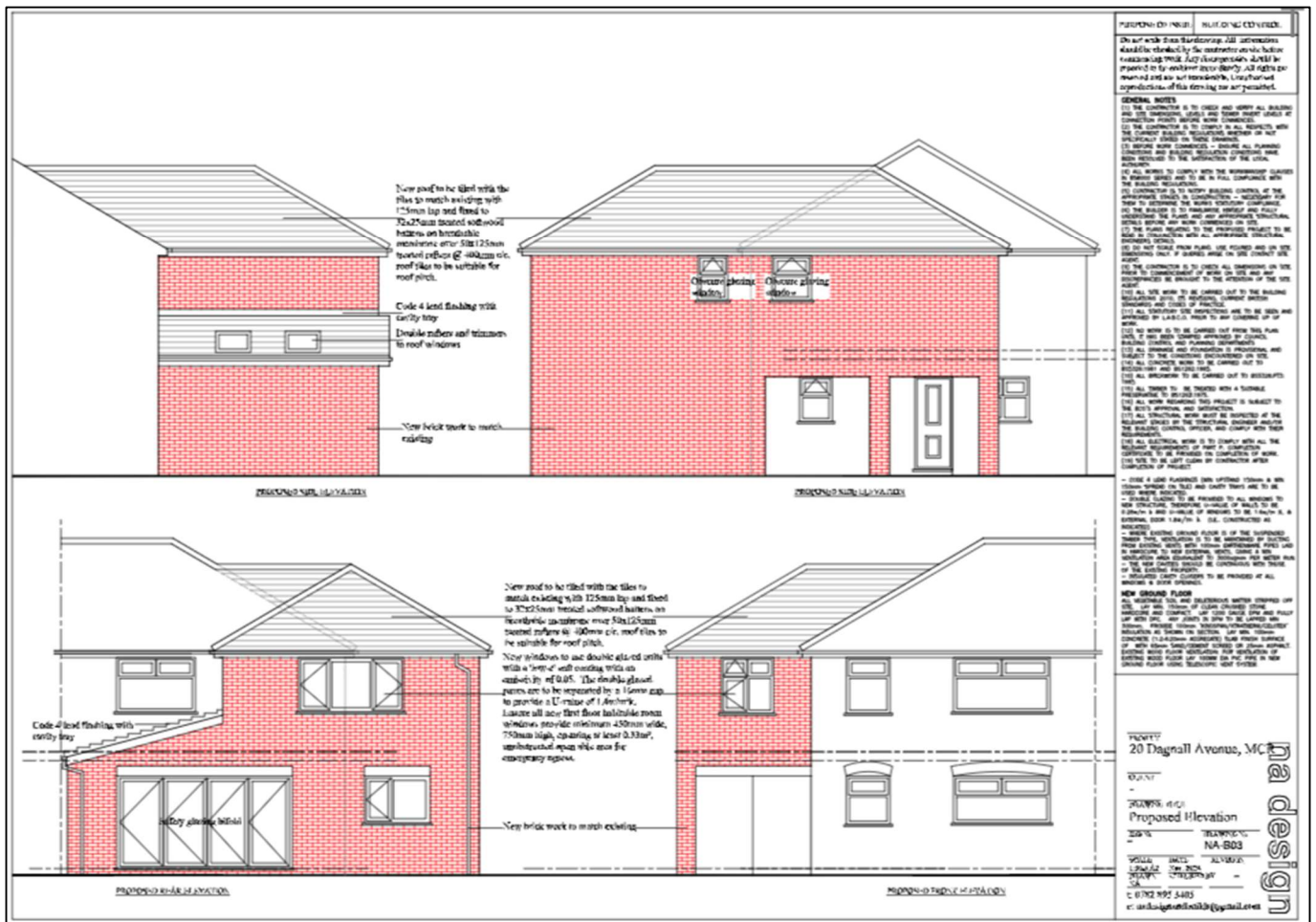


Figure 1. Proposed elevations

PLANNING HISTORY

137454/FH/2023

Description: Erection of a two-storey side extension and a part single/part two storey rear extension to form additional living accommodation.

Decision: Approved 18/09/2023

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Notifications

Local Residents

1no comment received in objection to the proposed variation with concerns regarding:

- Privacy impacts of proposed window

Relevant planning concerns will be taking into consideration when assessing the proposal.

RELEVANT POLICIES

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in line with the statutory development plan, unless material considerations indicate otherwise.

For Manchester, the development plan comprises:

- The Core Strategy (2012–2027)

- Saved policies of the Unitary Development Plan (UDP)
- The Places for Everyone Joint Development Plan Document (2022–2039)

These documents are considered up to date and carry substantial weight in decision-making. Supplementary Planning Documents (SPDs) and other local guidance may also be relevant.

National planning policy, including the National Planning Policy Framework (NPPF), is a material consideration and provides overarching guidance.

The Government has published a consultation draft of the NPPF, intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. While this draft is not yet adopted, it is a material consideration.

Where applicable, the Council must give special regard to preserving the character of conservation areas and the setting of listed buildings, in line with statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The policies referenced in this report are those considered most relevant to the nature, scale and location of the proposed development as follows:

- [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 19 – Waste
- [Guide to development in Manchester](#) - supplementary planning document and planning guidance, April 2007
- [Extant Unitary Development Plan \(UDP\)](#) –
 - Citywide Development Control Policies
 - DC1 - Residential extensions
 - 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
 - Places for People
 - JP-P1 Sustainable Places
- [National Planning Policy Framework \(NPPF\)](#) December 2024–
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 12 – Achieving well-designed places
- [National Planning Policy Framework Draft for Consultation December 2025](#) - National decision-making policies
 - Chapter 3 – Decision-making policies
 - DM1: Preparing development proposals
 - DM2: Information requirements
 - DM3: Determining development proposals
 - DM6: Use of planning conditions and obligations
 - DM7: Relationship with other regulatory regimes
 - DM8: Unauthorised development and enforcement
 - Chapter 4 - Achieving sustainable development
 - S3: Presumption in favour of sustainable development

- S4: Principle of development within settlements
- Chapter 12 - Making effective use of land
 - L4: Residential extensions
- Chapter 14 - Achieving well-designed places
 - DP3: Key principles for well-designed places
 - DP4: The Design process
- [Town and Country Planning Act 1990](#)
 - Part 3 - Control over development
 - Determination of applications
 - Section 73 - Determination of applications to develop land without compliance with conditions previously attached.

ASSESSMENT

Principle of development

The principle of the residential extension was determined under 137454/FH/2023.

During construction of the approved scheme, it was identified that the scheme included an additional side window and the applicant has applied under Section 73 of the Town and Country Planning Act 1990 to regularise the development.

In this case, for the reasons set out below, the variation is unacceptable.

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

Effects on amenity

Privacy

The main issue in this case is the impact of the proposed first-floor side-facing window on the privacy of the neighbouring occupiers at No. 22. The window sits on the side elevation of the rear extension and is positioned very close to the shared boundary (around 2 metres). This part of the boundary forms the private section of the neighbour's rear garden, and protecting the privacy of these spaces is a key consideration in assessing household extensions.

As a matter of established practice, the Council generally avoids allowing side-facing windows on rear extensions, as they almost always introduce either actual overlooking or a strong perception of being overlooked. This approach is supported by Core Strategy Policy DM1, UDP Policy DC1, all of which emphasise the need to maintain reasonable levels of privacy between neighbouring properties.

In this case, although the applicant proposes obscure glazing, this does not resolve the underlying concern. Obscure glazing can limit direct views, but it does not remove the perception of overlooking created by having a window at first-floor level facing directly onto a neighbour's garden. The proposed top-opening design would also allow angled or downward views when open, which compounds the issue.

It is also relevant that the original approval (137454/FH/2023) included a condition specifically preventing additional windows on this elevation. That condition was imposed to avoid the exact amenity impacts that would arise from the proposed window. Nothing in this Section 73 application demonstrates that those circumstances have changed or that the condition is no longer necessary.

Taking the above into account, the introduction of a first-floor side window would cause an unacceptable loss of privacy to the occupiers of No. 22. The proposal is therefore contrary local policy which together require development to safeguard the amenity of neighbouring residents.

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

While the applicant seeks to vary Conditions 2 and 4 to regularise an additional first-floor side window, the introduction of an opening facing the shared boundary with No.22 would lead to a harmful and unacceptable loss of privacy for neighbouring occupiers. The proximity of the window to the boundary means that the use of obscure glazing does not remove the potential for actual or perceived overlooking. The original condition was imposed to prevent such harm, and nothing in this application demonstrates that the amenity circumstances have changed.

The scheme therefore conflicts with Core Strategy Policy DM1, UDP Policy DC1, the Guide to Development in Manchester SPD, and Section 12 of the NPPF. These policies carry significant weight and collectively require the protection of residential amenity and the avoidance of poorly designed alterations. The adverse impacts of the proposed variation are substantial and cannot be mitigated through conditions or minor amendments. The proposal is therefore contrary to the development plan, and no material considerations indicate otherwise.

RECOMMENDATION: REFUSE

Article 35 Declaration

The application has been determined within the statutory timescale. In this instance the principle of the application proposal is contrary to the adopted development plan and are not considered to improve the economic, social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make them acceptable.

REASONS FOR RECOMMENDATION TO REFUSE

1. Residential amenity harm

The proposed first-floor side-facing window, due to its elevated position and proximity to the shared boundary with No. 22, would result in actual and perceived overlooking of the neighbouring garden,

causing an unacceptable loss of privacy. Obscure glazing would not sufficiently mitigate this harm. The proposal is therefore contrary to Policy DM1 of the Manchester Core Strategy, Policy DC1 of the UDP, the Guide to Development in Manchester SPD, and Section 12 of the NPPF.

APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED

18 Brassington Avenue, Manchester, M21 8FY

16 Brassington Avenue, Manchester, M21 8FY

17 Dagnall Avenue, Manchester, M21 8EX

23 Dagnall Avenue, Manchester, M21 8EX

22 Dagnall Avenue, Manchester, M21 8EZ

18 Dagnall Avenue, Manchester, M21 8EZ

21 Dagnall Avenue, Manchester, M21 8EX

19 Dagnall Avenue, Manchester, M21 8EX

APPENDIX 2 – PLANNING CONSTRAINTS

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA