

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b>       | <b>Ward</b>   |
|---------------------------|----------------------|-----------------------------|---------------|
| 118881/JO/2018            | 26th Jan 2018        | 12 <sup>th</sup> April 2018 | Rusholme Ward |

**Proposal** Variation of condition no. 2 (specified plans) attached to planning permission ref: 116173/FH/2017 to form additional door and window

**Location** 16 Kent Road West, Manchester M14 5RF

**Applicant** Mr A Ali, 16 Kent Road West, Manchester M14 5RF

**Agent** Mr Najib Gedal, Najib Gedal Architects, 4 Rutters Lane, Stockport SK7 5AY

### Description

The property is a semi-detached red brick two storey house in an established residential area which is characterised by family dwelling houses, many with original boundary treatments, such as the red-brick boundary wall.

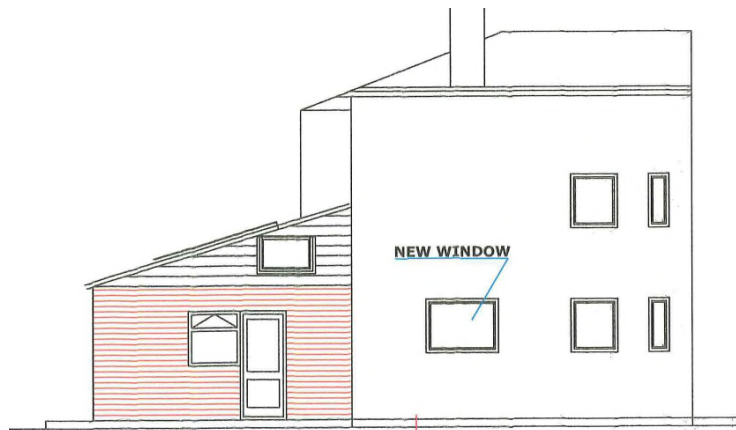
The orientation of the property faces in a south-easterly direction to the rear and north-westerly direction to the front. The boundary of Victoria Park Conservation Area finishes on the opposite side of Kent Road West.



*Site Location plan, also showing existing extensions to neighbouring properties*

The original planning permission 116173/FH/2017, was for the erection of a single storey rear extension to provide additional living accommodation, together with the insertion of an additional window on the side elevation of the property.

Planning permission is now sought for a Variation of Condition number 2 in respect of the specified plans attached to the approved planning permission 116173/FH/2017. This is to allow the insertion of a door and window on the side elevation of the previously approved extension.



*Side elevation showing the proposed additional door and window in the approved extension (also showing the additional window in the existing property previously approved under planning permission 116173/FH/2017)*

The application is being brought to Planning and Highways as the applicant is a local ward councillor.

### **Consultations**

Local residents - Occupiers of properties surrounding the application site were notified of the proposal.

One response was received from a neighbouring resident whose comments are as follows:

- The window and door are directly opposite to an existing window.
- It is less than 3.00 metres away from the existing window, making it easy to look inside the living area, kitchen and dining room.
- The window and door in question were already being built before planning permission was passed, as if there were already measures in place to approve the planning application.

### **Policy**

The **Development Plan in Manchester** comprises of:

**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 (1996)** – The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with 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:

SP1 – Spatial Principles.

DM1 – Development Management 1.

**Policy SP1** sets out the key spatial principles which guide the strategic development of Manchester to 2027, together with Core Development Principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. All development should have regard to the character, issues and strategy for each regeneration area as described in the Strategic Regeneration Framework and the Manchester Strategic Plan. The policy states that all development in the City should:

- Make a positive contribution to neighbourhoods of choice including:
  - Creating well designed places that enhance or create character
  - Making a positive contribution to the health, safety and wellbeing of residents.
  - Considering the need of all members of the community regardless of age gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

**Policy DM1** states that all development should have regard to following specific issues, the relevant ones in this instance are:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

For the reasons given in this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

The following extant **Unitary Development Plan** policies are considered relevant in the consideration of this application.

**Policy DC1** – This states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the street-scene.

**Policy DC1.2** – Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
- b. They do not create undue loss of daylight or privacy.
- c. They are not out of character with the style of the development in the area or the surrounding street scene by virtue of design, use of materials or construction details;
- d. They would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

**Policy DC1.3** – Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. Rearward extensions greater than 3.65m (12ft) in length;
- b. 2 storey extensions with a flat roof; particularly those which would be visible from the public highway;
- c. 2 storey extensions to terraced properties which occupy the full width of the house
- d. Flat roofed extensions to bungalows;
- e. Extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

For reasons to be outlined below, it is considered the proposal accords with the extant UDP policies.

The following **National Planning Policy Framework** is considered relevant in the consideration of this application.

**The National Planning Policy Framework (NPPF)** - The NPPF was published on the 27 March 2012 and replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental. The Government attaches great importance to the design

of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is considered the application accords with the general principles contained within the NPPF.

### **Issues**

**Principle** - The proposal is for a variation of Condition 2 in respect of the specified plans attached to the previous planning permission (116173/FH/2017), to allow for the addition of a door and window on the side elevation of the previously approved extension. The applicant stated that the reason for the new door is to access the refuse bin storage area on the side pathway.

Planning permission was granted for the erection of a single storey rear extension by the Planning Committee in July 2017. It was brought to the attention of the Planning Service that during the construction of the extension, a window and door were being inserted into the side wall of the extension, facing onto number 18 Kent Road West. The approved plans show this wall to be blank, with no windows or doors.

However, the original permission did show a new window to be inserted within the side wall of the main house. This window is also still proposed. Once the applicant was contacted in relation to the unauthorised works, then all work on site stopped.

It is necessary to fully consider the potential impacts of the new window and door on the amenity of neighbouring occupiers and also to consider the design implications of the changes.

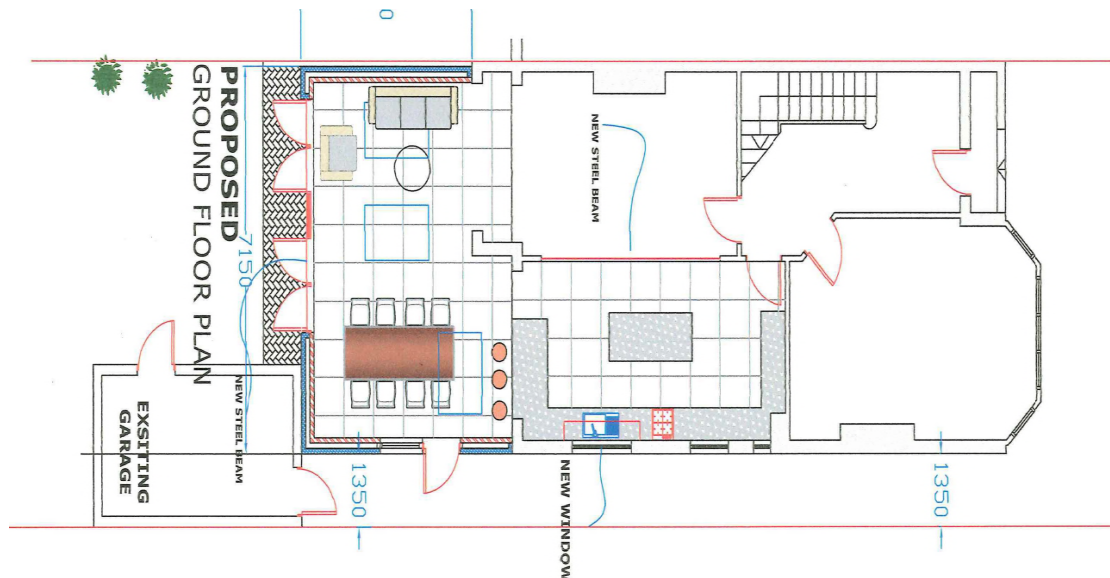
**Visual and Residential Amenity** - The proposal refers to the addition of a door and one window on the side elevation, in order to provide additional light into the previously approved application 116173/FH/2017 which was for a single storey rear extension.

The window and door are seen within the context of other windows on the side elevation of the application property and the impact on the design is considered to be acceptable.

Concerns have been expressed by the occupier of the adjacent property in relation to overlooking. The door and window are located a distance of approximately 1.35 metres from the common boundary with number 18 Kent Road West and do allow views directly towards that property.

However, it must be noted that there is an approximately 2.00 metre high fence with a trellis located on the common boundary. Although the window and door would allow some views through the trellis, these views would be limited and would not warrant those windows needing to be fitted with obscure glazing or warranting a refusal of planning permission.

It must also be noted that there are similar windows in a similar location within the side elevation of number 18 Kent Road West. There would be some inter-looking through the trellis, but this would not be unduly harmful.



*Floor plan, showing the proposed additional door and window in the side elevation of the approved extension*

Therefore, it is not considered that the addition of a door and a window at the site property would give rise to unacceptably impacts on residential amenity currently enjoyed by the occupiers of the neighbouring property and that there would be no unduly detrimental overlooking.

For the above reasons, the proposal is considered to have an acceptable impact on residential amenity in accordance with the guidance contained within saved UDP policy DC1 and with policy DM1 of the adopted Core Strategy Development Plan Document.

**Conservation Area** - The property is adjacent to the Rusholme Conservation Area, however, it is considered that the proposal would not have a detrimental impact on the character of the Rusholme Conservation Area.

**Refuse bin storage** - The storage of refuse bins are not affected by the proposal and accords with policy EN19.

**Parking** - Parking is not affected by the proposed extension, as there is off street parking provided at the front of the property, which accords with the principles for residential extensions set out in saved UDP policy DC1.

**Conclusion** - The proposal for the additional fenestration is considered acceptable in this location, without affecting the amenities of the occupiers of the neighbouring

properties, and there are no material considerations of sufficient weight to indicate otherwise.

The proposal is therefore considered acceptable in terms of the Manchester's Core Strategy including policies SP1 and DM1 and extant policy DC1 of the Unitary Development Plan and to the general guidance contained within the National Planning Policy Framework.

**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 the right to a fair hearing and to this end the Committee 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 Head 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 of the application 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**

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 application has been determined in a timely manner and in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan and to Policy DM1 of the Core Strategy and the National Planning Policy Framework.

### **Condition(s) to be attached to decision for approval**

1. The development must be begun not later than the expiration of three years beginning with the date of planning approval 116173/FH/2017 that date being 28<sup>th</sup> July 2017.

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

2. The development hereby approved shall be carried out in accordance with the following drawings:-

- a. Drawing numbered AA 02, dated 23 April 2017, Revision C dated 16 January 2018, showing the ground floor layout, together with both side elevations and roof plan, received by the City Council as Local Planning Authority with the planning application on 22 January 2018.
- b. Drawing numbered AA 02, dated 23 April 2017, Revision C and dated 16 July 2017, showing the existing front and proposed rear elevations, received by the City Council as Local Planning Authority with the planning application on 22 January 2018.
- c. Site Location Plan, labelled '16 Kent Road West, Manchester M14 5RF', received by the City Council as Local Planning Authority with the planning application on 22 January 2018.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3. The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture, as stated on the completed Householder Application Form.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 118881/JO/2018 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

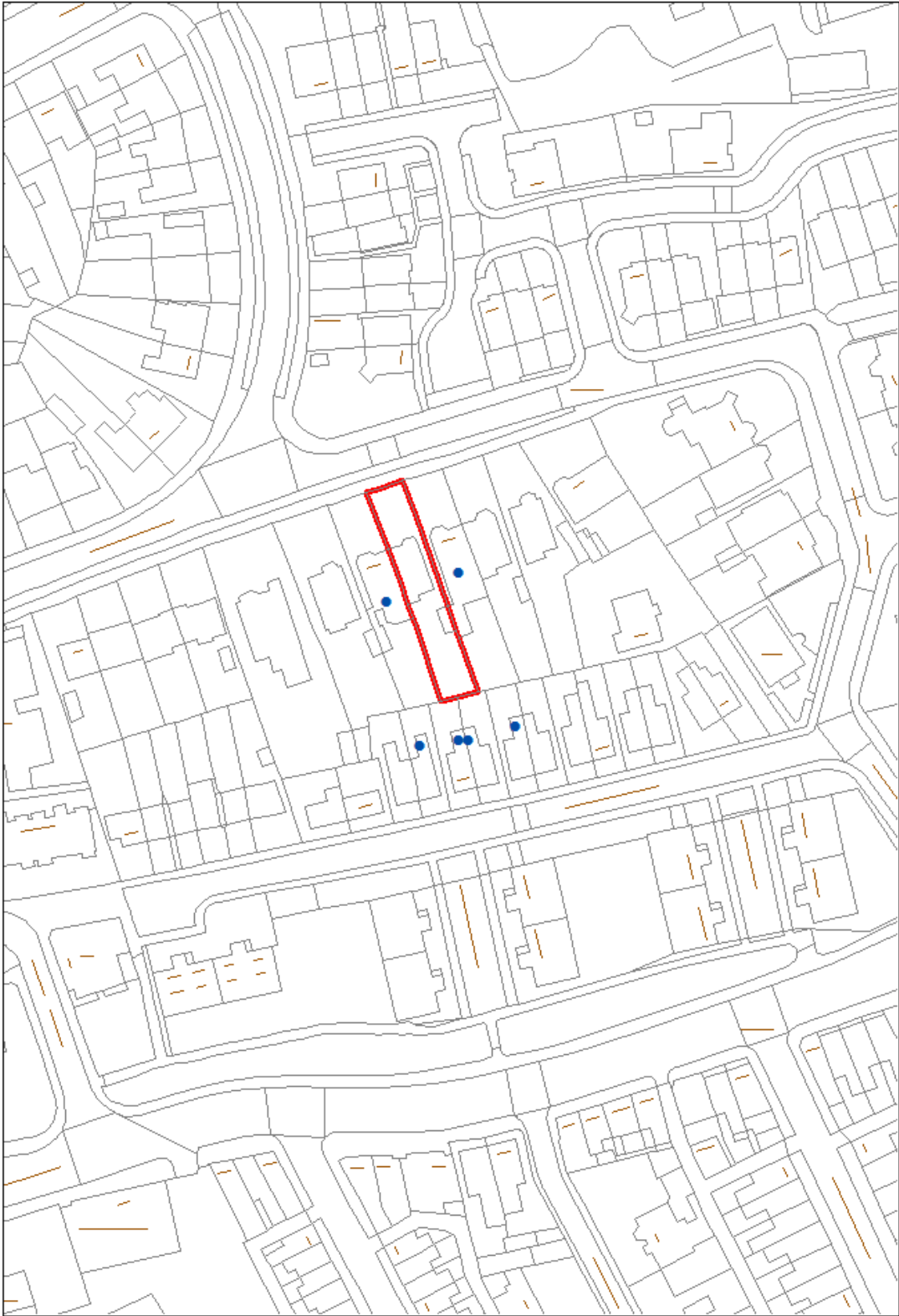
A map showing the neighbours notified of the application is attached at the end of the report.

### **Representations were received from the following third parties:**

18 Kent Road West, Manchester M14 5RF

**Relevant Contact Officer :** Sue Iskandar  
**Telephone number :** 0161 234 1610  
**Email :** s.iskandar@manchester.gov.uk





 Application site boundary  Neighbour notification  
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