

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132711/FO/2022

Date registered valid: 14 February 2022

Proposal: Erection of a single storey side extension to form additional living accommodation

Address: 32 Penistone Avenue, Manchester, M9 7BN

Ward(s): Charlestown Ward

Applicant: Mr Chijioke Oliver 32 Penistone Avenue, Manchester, M9 7BN

Agent (if any): Mr Andrew Brodie AGB CAD Services Ltd Apartment NS 504 Royal Mills, 2 Cotton Street, Manchester, M4 5BD

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11.03.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 05.02.2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 15 February 2022 Expired: 8 March 2022

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:

Tree Preservation Order:

Description of Site/ Area

The application relates to a first floor flat within a semi-detached property situated within a residential area of Charlestown, North Manchester. The ground floor flat, no. 30 Penistone Avenue, is accessed from the front of the property. Access to the applicant's property is from the side. The property benefits from a large side garden with boundary treatment in the form of vegetation hedging along the side and shared common boundaries. The ground floor flat has the benefit of a rear garden and appears to access this amenity space from within the property and from a pathway across the garden of the applicant property.

The remainder of the area is predominately residential in nature, with houses comprising semi-detached dwellinghouses.

Description of development

The application seeks consent for the erection of a single storey side extension to form additional living accommodation. The first floor flat has the benefit of the side garden directly adjacent the ground floor occupant's flat (no. 30 Penistone Avenue).

The proposed side extension a western side projection out into the splayed side garden would have a depth of 3.5metres, maximum width of 3metres, a hipped tiled roof profile with a maximum height of 3.69metres and height to the eaves of 2.65metres approximately. The proposed side extension would leave 6.4 metres between the extension and the western boundary.



Figure 1: no. 30 & 32 Penistone Avenue and the side garden

Consultations & Notification Responses

One Objection letter was submitted from a local resident in response to this application, their concerns are outlined below:

Pathway Access

Shared pathway which runs alongside the property within the side garden is utilised for the removing and disposing garden waste. Implementing this extension would cause significant stress and a problem regarding the removal of my garden bin to the collection point. Additionally the extension would cause amenity impacts on the ground floor windows in terms of cleaning and could prove problematic.

Health and Safety

This extension would have impacts on the emergency services, limiting their access to each property. Concerns relating to the gas and electric underground piping and the benefit impacts this extension could have on them and the associated risks.

Noise and Sound Pollution

The proposed extension is attached along a joined party wall with the occupant already experiencing unacceptable and loud noise levels late at night and early mornings which affects the occupants mental and physical well-being.

Comments on Objections: The shared pathway and the lack of an alternative route is a consideration within this application, alongside the proposed extension's scale and siting adjacent to the joint party wall and, the probable significant residential and visual amenity impacts as a consequence of this extension will be evaluated below.

Policy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

The NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these are: an economic objective, a social and an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 9: Promoting sustainable transport - States that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.
- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

Extant UDP Policies

DC1.1 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 the 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 a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that 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 original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

Local Development Framework Manchester Core Strategy (adopted 11 July 2012)

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents

Protect and enhance the built and natural environment

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and

traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

Issues

Principle of Development

As the proposal seeks to extend/alter a residential property policy DM1 and saved policy DC1 are applicable. Consideration has, however been given that the proposal would be deemed to conflict with the provisions of policy DM1 of the Core Strategy and saved policy DC1 of the UDP in that the siting, of the extension would have a direct impact on the residential amenity of the ground floor flat on living accommodation, including perceived overlooking on their ground floor window on the side elevation. Additionally, there would be implications for access to the ground floor property and these reasons are discussed in the detail below.

Visual Amenity

The proposed single storey side extension by virtue of its siting and relationship with the living accommodation including window of no 30 Penistone Avenue would have an unacceptable impact on the living conditions of this property. Whilst the scale of the extension would not appear out of character within the surrounding street scene, its positioning would lead to an unduly harmful impact on residential amenity experienced by no. 30 Penistone Avenue. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policies DC1 and the guidance within the National Planning Policy Framework.

Residential Amenity

The proposed single storey side extension by reason of its siting and appearance would result in overlooking impacts on no. 30 Penistone Avenue. The siting of the extension would result in built form adjacent to the ground floor flat's window and living accommodation to the detriment of the residential amenity to the ground floor property. The glazed nature of the structure would result in perceived overlooking into this window. It is noted the window is obscurely glazed but can be opened. The siting of the elevation close to this window would also mean noise and disturbance would be commonplace and disruptive to the ground floor flat, particularly given the design of the conservatory with the door facing the ground floor flats window. Additionally, there appears to be a shared pathway, which facilitates occupants of no. 30 Penistone Avenue bin management and access to their rear property, which appears to be removed by the proposal. This would have an unduly harmful impact on residential amenity experienced by no. 30 Penistone Avenue. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policies DC1 and the guidance within the National Planning Policy Framework.

Conclusion

The proposed single storey side extension is considered unacceptable in terms of their siting and appearance and relationship to the ground floor flat living accommodation and would be detrimental to residential amenity on no.30 Penistone Avenue contrary to saved policies DC1.1, DC1.2 and policies SP1 and DM1 of the Core Strategy.

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: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

The proposed single storey side extension by virtue of its siting, appearance (its glazed nature) and relationship with the ground floor living accommodation of 30 Pennistone Avenue, particularly the side elevation window and rear garden, would result in an unduly harmful impact on residential amenity from increased noise and disturbance close to the living accommodation together with perceived overlooking from the extension. In addition, there would be impacts associated with access arrangements to the rear garden of 30 Penistone Avenue. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy, saved policy DC1 of the Unitary Development Plan for the City of Manchester and the guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

225 Charlestown Road, Manchester, M9 7BD
Top Flat, 233 Charlestown Road, Manchester, M9 7BD
229A Charlestown Road, Manchester, M9 7BD
28 Penistone Avenue, Manchester, M9 7BN
19 Penistone Avenue, Manchester, M9 7BN
13 Penistone Avenue, Manchester, M9 7BN
229 Charlestown Road, Manchester, M9 7BD
231A Charlestown Road, Manchester, M9 7BD
30 Penistone Avenue, Manchester, M9 7BN
26 Penistone Avenue, Manchester, M9 7BN
17 Penistone Avenue, Manchester, M9 7BN
15 Penistone Avenue, Manchester, M9 7BN
233 Charlestown Road, Manchester, M9 7BD
231 Charlestown Road, Manchester, M9 7BD
227 Charlestown Road, Manchester, M9 7BD
223 Charlestown Road, Manchester, M9 7BD
221 Charlestown Road, Manchester, M9 7BD

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1