

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132173/FH/2021

Date registered valid: 9 November 2021

Proposal: Erection of part single storey part two storey rear extension to form additional living accommodation

Address: 13 Milverton Road, Manchester, M14 5PL

Ward(s): Rusholme Ward

Applicant: Mr Abdul Ghani 13 Milverton Road, Manchester, M14 5PL

Agent (if any): Barry Cullen Flat 27, Brookside Court, 101 Slade Lane, Manchester, M19 2AH

Case officer: Harriet Aidoo
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Recommendation: Approve

Date of recommendation: 6 April 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 December 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 2 March 2022 Expired: 9 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

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of site / building / area

This application relates to 13 Milverton Road in Rusholme ward, a period semi-detached dwellinghouse located in a residential area off Langdale Road and Denison Road. The curtilage of the dwellinghouse benefits from boundary treatment to the front, rear and side elevations. There is an existing single storey rear, lean-to extension and attached perspex / polycarbonate canopy roof, covering along the common boundary with no. 11 Milverton Road measuring approximately (depth 5.1 metres x width 4.2 metres) and a white upvc conservatory along the common boundary with no.15 Milverton Road approximately (depth 3.0 metres x width 2.9 metres) which all project from the rear building line of the original dwellinghouse, but do not project beyond the width of the original dwellinghouse. From the rear elevation of the existing extensions, there is at least a 6.0 metre separation distance from the common shared boundary with the properties along the rear elevation, specifically those at, nos. 8-10 Denison Road. There are existing single storey rear extensions within the rear gardens of the properties along Milverton Road, with some projecting in excess of 5 metres e.g. (ref: nos. 125338/FH/2019 and 120326/FH/2018).

Description of development

The initially submitted plan relates to the proposed erection of part single storey, part two storey rear extension to form additional living accommodation.

Following negotiations, the initially submitted plans have been slightly revised in the interest of residential amenity and revised plans subsequently submitted, (dated 06/01/2022). The revised plans would comprise of:

- The initially proposed side facing windows along the ground floor - no.11 Milverton Road elevation have been removed, and replaced by 2 windows along the rear roof elevation.
- The proposed window in the first floor rear elevation would be obscurely glazed along the lower half.

The proposal would involve demolishing the existing single storey rear, lean-to extension and attached perspex / polycarbonate canopy roof and using the space to accommodate the new extension. The existing conservatory would be retained.

The proposed part single, part two storey rear extension would be flush with the side building line of the original dwellinghouse - off -set from the existing chimney stack (no. 11 Milverton Road elevation), and would measure approximately length 5200mm x width 4150mm x maximum height 3355mm along the ground floor whilst retaining a separation distance of approximately 0.83m from the common shared boundary with no.15 Milverton Road. The ground floor element would comprise of a lean-to pitched roof configuration, with 2 windows along the roof elevation, including French doors and a window along the rear elevation.

Along the first floor, the proposal would also be flush with the side building line of the original dwellinghouse and would measure approximately length 2800mm x width 4150mm. The first floor element would comprise of a hipped-pitched roof configuration, with windows along the rear elevation.

In terms of external facing materials, it is intended to use materials matching the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations were received.

Following revised plans, neighbours were re-notified, no comments, objections or representations were received on this occasion.

POLICIES

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 8: Promoting healthy and safe communities.
- Chapter 12: Achieving well-designed places.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

- Policy DM 1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 (Residential Extensions) is considered relevant.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principles have been satisfactorily incorporated into the development.

ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

ISSUES

Following negotiations, the initially submitted plans have been slightly revised in the interest of residential amenity and revised plans subsequently submitted, (dated 06/01/2022).

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (part single, part two storey rear extension) - the proposed part single part two storey rear extension would be contained within the existing curtilage of the dwellinghouse. The proposed extension would not be visible from the immediate highway, and in light of the revised plans, it is not considered that there would be a significant impact in terms of massing to the adjoining dwellings. The proposal would not have an undue impact to residential and visual amenity to nos. 11 and 15 Milverton Road, and those properties to the rear of the dwellinghouse, specifically those at, nos. 8-10 Denison Road. Furthermore, although the proposed maximum rearward projection at 5200 (ground floor) is (1550mm) in excess of the guidance set out in saved policy DC1 regarding rearward extensions, it is within the limitations for a larger homes extension application and would be consistent with a similar planning approval within the rear garden of the neighbouring property. It is however recommended that conditions are attached requiring no further outbuildings, structures or extensions to be erected without the express consent of the City Council as the Local Planning Authority. This is considered necessary to safeguard residential amenity given the existing depth of the amenity space to the rear of the property, the proposed space that would be retained, and separation distance between those immediately behind the rear boundary.

In addition, whilst windows in the properties the rear on Denison Road would not directly face the bedroom window at first floor level in the proposed extension, the agent has indicated that the lower proportion of this window would be obscurely glazed. This would safeguard the privacy of the occupiers' and the occupiers of the neighbouring dwellings. It is therefore proposed that this aspect of the scheme is conditioned.

For these reasons and on balance, and subject to planning conditions, the proposed extension is considered to be acceptable in terms of its impact on residential amenity as there are no overbearing, overshadowing or privacy impacts.

Design and appearance - It is not considered that the proposed development would unduly harm the character of the building or the general area. Additionally, the property is not within a designated area of special control such as a Conservation Area, or is it a Listed Building, or near a listed asset. It is also intended to match materials with that of the existing, although it is recommended that a materials condition is attached to ensure that the materials are adhered to.

Waste management - The existing arrangement would be unaffected.

Car parking - The existing arrangement would be unaffected.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is not considered that the revised proposal would be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity, and therefore, it is considered that the proposed development responds positively to The National Planning Policy Framework (July 2021); policies SP1, DM1, EN1, T2 and EN19 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, the initially submitted plans have been slightly revised in the interest of residential amenity and revised plans subsequently submitted, (dated 06/01/2022). The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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 and documents:

- Location Plan with application site edged in red, received by the City Council as the Local Planning Authority 09 November 2021.
- Site Plan, received by the City Council as the Local Planning Authority 09 November 2021.
- Existing and Proposed Plans and Elevations, REFERENCE NO: 1288 rev 1 6.1.2022, received by the City Council as the Local Planning Authority 06 January 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The external facing materials to be used on the development hereby permitted shall match those of the original dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - To ensure that 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 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on: Existing and Proposed Plans and Elevations, REFERENCE NO: 1288 rev 1 6.1.2022, received by the City Council as the Local Planning Authority 06 January 2022.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

5) Before first occupation, the lower panes of glazing forming window to the bedroom in the north eastern elevation of the proposed rear extension , as shown on plan ref: 1288 rev 1

6.1.2022 ,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.

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 Manchester Core Strategy (2012).

6)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, sheds or extensions shall be erected without the express consent of the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy to saved policies DC1 of the Unitary Development Plan for the City of Manchester and SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

15 Milverton Road, Manchester, M14 5PL
23 Langdale Road, Manchester, M14 5PW
24 Milverton Road, Manchester, M14 5PL
8 Denison Road, Manchester, M14 5PB
12 Denison Road, Manchester, M14 5PB
18 Milverton Road, Manchester, M14 5PL
10 Denison Road, Manchester, M14 5PB
9 Milverton Road, Manchester, M14 5PL
20 Milverton Road, Manchester, M14 5PL
19 Milverton Road, Manchester, M14 5PL
6 Denison Road, Manchester, M14 5PB
25 Langdale Road, Manchester, M14 5PW
22 Milverton Road, Manchester, M14 5PL
17 Milverton Road, Manchester, M14 5PL
11 Milverton Road, Manchester, M14 5PL

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH2