

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131899/FH/2021

Date registered valid: 13 October 2021

Proposal: Retrospective application for the retention of a single storey front and side extension to form additional living accommodation.

Address: 21 Tarrington Close, Manchester, M12 4TB

Ward(s): Longsight Ward

Applicant: Mr Z Ali 21 Tarrington Close, Manchester, M12 4TB

Agent (if any): David Ormesher Holborow & Ormesher Ltd 15 Overton Close,
Cheshire, CW10 0PZ

Case officer: Harriet Aidoo
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Recommendation: Approve

Date of recommendation: 10 January 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 1 November 2021

Standard consultations:

Printed: 22 October 2021 Expired: 12 November 2021

Neighbour notifications

Printed: 1 December 2021 Expired: 11 December 2021

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

21 Tarrington Close is a semi-detached property situated in a short cul-de-sac of detached, semi-detached bungalow properties within a modern housing estate in Longsight ward.

The application building is constructed of orange/brown brick with a clay tile roof and benefits from amenity space to the front and rear elevations, a driveway along the frontage (approximately, depth 12.6 metres x width 8.1 metres), including boundary treatment along the side and rear elevations, approximately 1.8 metres high.

There is a large outbuilding (approximately length 3.4 metres x width 6.4 metres) in the rear garden, sited along the common boundaries with nos. 22, 23 and 24 Tarrington Close. The original dwellinghouse has been recently extended, granted permission under (reference no. 117228/FH/2017). At the time of the officer's site visit, it was noted that a single storey front and side extension was in situ and substantially complete.

Background

Following the planning officer's site visit, an assessment of the site planning history and the submitted information, the agent was advised that there appeared to have been a breach of planning control as the previous planning permission 117228/FH2017 had not been implemented in accordance with the approved plans, and therefore, the submitted application proposes to retain structures which did not form part of the planning approval and which did not constitute permitted development and were noted to be substantially complete at the time of the officer's site visit.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The submitted application relates to a proposed ground floor front/side extension. Following negotiations, the initially submitted plans have been revised in the interest of residential amenity, and revised plans subsequently submitted (dated 01/12/2021 and 21/12/2021). The title description has also been subsequently amended following the officer's site visit. The revised title description relates to: retrospective application for the retention of a single storey front and side extension to form additional living accommodation. The revised plans would comprise of:

- o The proposed side facing window facing the common shared boundary with no.23 Tarrington Close omitted from the plan,
- o The initially proposed front porch which would be centrally placed and would project from the front building line of the single storey front and side extension to be retained has also been omitted from the plan, and
- o A bin store would be provided in front of the property. Details have been provided regarding the proposed location, measurements and materials.

The single storey front and side extension to be retained has been sited along the common shared boundaries with no. 4 Rigton Close and no. 23 Tarrington Close. It then projects approximately 2355mm along the common shared boundary with no. 4 Rigton Close, and approximately 1500mm along the shard boundary with no. 23 Tarrington Close. The maximum height of the extension is approximately 3500mm. The extension has a lean-to pitch roof with French doors centrally placed facing the front driveway, including window openings either side of the French doors.

The extension to be retained would have no side facing windows and the initially proposed front porch which would be placed centrally and would project from the front building line of the proposed single storey front and side extension has been omitted from the revised plans, (dated 01/12/2021 and 21/12/2021).

In terms of refuse management arrangements, a standard timber frame bin store would be provided in front of the property. It would be sited in front of the extension to be retained, adjacent to the common shared boundary with no. 4 Rigton Close.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. Three objections were received from local residents. One residents raised concerns in regard to the size of the porch, overlooking issues associated with the extension, and that the structure blocks sunlight from their garden. The resident states that there is no disabled resident at the address, and the owner has already built most of the porch without permission. They feel the applicant has annotated the plan as a disabled person's lounge as a way to get permission for it. Furthermore, the owner has not stuck to the original plans that were granted. They built the porch without permission.

A second resident feel the extension is overbearing due to its size, and references the previously approved extensions which have been implemented at the property. Their view is that it is illegal to build at the front of the property since the front garden belongs to the council

rather than the homeowner. They advise that the vast size of the proposed and existing extensions reduces the enjoyment of my property as it blocks the light both at the front and back of the house making their house really gloomy as a result. They therefore wish the extension of the property be denied as it is an eyesore and hinders the neighbours enjoyment of their property.

Following revised plans, neighbours were re-notified, and a further objection was received .

A resident objects to the proposed plans, and state that the resident originally planned to make a small porch on the original application but decided to build this to a substantial size to form 2 rooms without permission. Due to the size of this porch/lounge and play area, this overlooks their property. They advise they can't enjoy my patio and garden area as this front extension extends too far out and is also too high. They advise that the ground levels in their garden are about 1 foot lower , so from their side the extension in their view completely blocks out the light. They advise they cannot enjoy their patio area or their dining area due to this overlooking created by the front extension. The resident seems to be making up his application now using disabled lounge just to get permission. They reiterate their earlier comments that there is no disabled resident at the address, and that the resident has already deceived everyone by building without permission.

2. Environmental Health

No comments regarding the application.

Issues

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:

- o Chapter 8: Promoting healthy and safe communities.
- o 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 - It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

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

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

- o 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

As previously outlined above, following negotiations revisions to the initially submitted plan were subsequently submitted.

Principle

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on visual and residential amenity.

Residential and visual amenity

Previously approved scheme - The previous approved plans (planning permission reference no. 117228/FH/2017), involve the erection of a side extension that would be set back 0.5 metres along the ground floor and would be set back 2.5 metres along the first floor, with a bin store sited in front of the side extension and along the common shared boundary with no.4 Rigton Close. The approved scheme included a front porch (L 2.5m x W 1.5m x H3.5m), which was to be sited adjacent to the bin store area and was to be centrally placed in front of the original dwellinghouse. The approved porch projected 1.5 metres in depth from the front building line of the primary dwelling.

Impact of works (retention of a single storey front and side extension) -

Consent is sought to retain the partially built the front /side extension to the original dwellinghouse. The extension for which consent is sought , has effectively infilled the set back to the previously approved side extension, and embodied the area of the previously approved bin store area (adjacent to no.4 Rigton Close) and porch into a single storey extension , which has also been extended across the remainder of the front façade at ground level to the common shared boundary with no. 23 Tarrington Close approximately (depth 1500mm x width 2597mm x height 3500mm) .

For clarity the front elevation of no.21 Tarrington Close faces southeast , but the front elevation of the adjacent property to the west (no.4 Rigton Close) faces in a north westerly direction. As such the extension under consideration would be located alongside the rear garden of no.4 Rigton Close. Furthermore, no.21. Tarrington Close lies at the end of the cul -de-sac , and as such the street scene is terminated by the high wooden rear garden fence to no.4 Rigton Close.

The structure which is sought to be retained extends the width of the dwellinghouse and is 2.2m in depth from the front facade of the existing dwellinghouse and 2.9m in depth where it has infilled the recess of the previously approved side extension, and the identified area of the previously approved bin store. The front extension is 2.47m in height to eaves and 3.5m in height to the ridge of the roof . It is therefore approximately 1.7m above the existing common boundary fence line with no. 4 Rigton Close - (when measured to the pitch of the lean- to roof), or approximately 520mm (above fence line, to eaves level).

Given the scale and massing of the front/side extension and the relationship to the adjacent dwellinghouses and associated boundary treatments , it is not considered that the retention of the extension would be unduly overbearing. The extension would also be significantly screened behind the existing common shared boundary fence with no. 4 Rigton Close, which is approximately 1.8 metres high.

In addition, due to the fact that the extension to be retained is single storey, and its projection from the front building line of the original dwellinghouse is approximately 2.2m ,and the design of the roof being a lean-to pitch arrangement, any potential impacts from undue loss of day light are not expected to be so significant as to warrant the refusal of permission.

Furthermore, following negotiations with the planning agent , the side facing window on the boundary with no.23 Tarrington Close has been removed to reduce the potential for any residential disamenity due to overlooking and associated loss of privacy in particular, to the occupiers of no. 23.. It is therefore considered that in light of the revisions to the initially submitted plan, the retention of the extension is considered on balance would not unduly impact on residential or visual amenities of the neighbouring occupiers; in particular, those at nos. 4 Rigton Close and 23 Tarrington Close.

In regard to the impact of the retention of the front extension in the street scene, the location of this property at the end of a cul-de-sac, and in the context of the high close boarded wooden fencing which forms the rear garden boundary to no.4 Tarrington Close (which terminate views at the end of the cul de sac), it is considered that whilst a front/side extension of the scale which it is sought to retain would not generally be accepted, the siting of the extension, taking account of the existing circumstances, would not lead to a significant intrusion in the street scene, and would on balance be acceptable in this location.

Impact of works (Design and appearance) - The design would reflect the characteristics of development in the area, and in terms of proposed materials, external facing materials are consistent with those on the original house, which is considered to be acceptable in design terms.

Impact of works - (Car Parking) - The existing arrangement is unaffected. Off-street car parking is still retained along the front drive-way.

Impact of works (Waste Management) - The approved arrangement under planning permission (reference no. 117228/FH/2017) is affected should the extension be retained. Therefore, it has been negotiated that a standard timber frame bin store would be provided in front of the property. It would be sited in front of the extension to be retained, adjacent to the common shared boundary with no. 4 Rigton Close, revised plans, (dated 03/01/2022).

Matters Raised by Objectors - In terms of planning comments raised by the objectors, these have been duly considered in the issues section above and there are no material considerations of sufficient weight as to warrant the refusal of planning permission.

Conclusion - In light of the revised plans and for the reasons outlined above, and subject to planning conditions, it is considered the retention of the extension would not be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity. Moreover, refuse management arrangements have been sufficiently demonstrated and parking is unaffected; pursuant 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, following negotiations revisions to the initially submitted plan were subsequently submitted. 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 hereby approved shall be carried out in accordance with the following drawings and documents:

- o Householder Application for Planning Permission for works or extension to a dwelling forms received by the City Council as the Local Planning Authority on 11 October 2021.
- o Block Plan with application site edged in red, received by the City Council as the Local Planning Authority on 11 October 2021.
- o Plans and elevations as existing drawing number 1784/17/01 received by the City Council as the Local Planning Authority 13 October 2021.
- o Previously approved implemented drawing (except for porch and bin store) drawing number 1784/17/02 rev. A received by the City Council as the Local Planning Authority on 03 January 2022.
- o PROPOSED PLANS AND ELEVATIONS, DRAWING NUMBER 1784/17/03, Revision B, received by the City Council as the Local Planning Authority on 03 January 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

2) The materials used to construct the external elevations of the extension hereby approved shall match the existing dwellinghouse, and as stated on the submitted information and approved plans.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

3) 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: PROPOSED PLANS AND ELEVATIONS, DRAWING NUMBER 1784/17/03, Revision B, received by the City Council as the Local Planning Authority on 03 January 2022.

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

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 outbuildings, or structures, or extensions shall be erected without the express consent of the City Council as the Local Planning Authority apart from those shown on the approved plans: PROPOSED PLANS AND ELEVATIONS, DRAWING NUMBER 1784/17/03, Revision B, received by the City Council as the Local Planning Authority on 03 January 2022.

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

5) 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

Environmental Health

23 Tarrington Close, Manchester, M12 4TB
9 Rigton Close, Manchester, M12 4WW
4 Rigton Close, Manchester, M12 4WW
2 Rigton Close, Manchester, M12 4WW
19 Tarrington Close, Manchester, M12 4TB
17 Tarrington Close, Manchester, M12 4TB
22 Tarrington Close, Manchester, M12 4TB
25 Tarrington Close, Manchester, M12 4TB
15 Tarrington Close, Manchester, M12 4TB
20 Tarrington Close, Manchester, M12 4TB
24 Tarrington Close, Manchester, M12 4TB

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2