

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132323/FH/2021

Date registered valid: 25 November 2021

Proposal: Erection of first floor rear extension to provide additional living accommodation

Address: 118 Ladybarn Lane, Manchester, M14 6YH

Ward(s): Withington Ward

Applicant: Mr and Mrs Marsden, 118 Ladybarn Lane, Manchester, M14 6YH

Agent (if any): Mr Paul Judge, Paul Judge Design, 49 Bideford Road, Stockport, SK2 5AX

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 20.01.2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 18 January 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 30 November 2021

Expired: 21 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/area

The area is predominantly residential in nature surrounded by similar type properties.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The site relates to a two storey mid terrace property on Ladybarn Lane in the Withington Ward.

Description of development

Erection of first floor rear extension to provide additional living accommodation

Consultations & Notification Responses

Local residents, as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations in respect of this application were received.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Plans considered

The plans considered as part of this proposal are as follows:

Received 25th November 2022 annotated as proposed Elevations, Proposed and Existing Plans and Location Plan

History

There have been no previous planning applications relating to this site.

Residential Amenity

The applicant is seeking to extend the property for the erection of a first floor rear extension to provide additional living accommodation

The proposed first floor extension would project 2.5 metres from the rear wall on the shared boundary with no. 116 Ladybarn Lane extending a width of c.3.5 metres retaining a gap to the shared boundary with no. 120 Ladybarn Lane. The roof would be pitched with the installation of a window to the rear elevation looking towards land associated with Ladybarn Community Centre.

It is considered that the overall size, projection, scale, design and siting along the boundary, given the existing relationship of the properties is considered to give rise to loss of light and overshadowing as well as having an overbearing presence to the detriment of residential amenity.

The City Council consider that the introduction of a first floor structure in this location would provide an overbearing and unsatisfactory visible appearance to the occupiers of the neighbouring properties.

Overall, given the orientation of the application site and its relationship to the neighbouring properties, it is considered that the proposal would provide an overbearing structure which would be out of character with the area and lead to overshadowing and the loss of residential amenity currently being enjoyed by the occupiers of the adjacent properties. The proposal is therefore considered would conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed extension is believed to provide an overbearing impact upon the residential amenities of the adjoining properties and is not considered to be an acceptable addition to the original house and therefore, it is considered that the proposal would provide an overbearing structure which would be out of character with the surrounding properties in the area.

It is therefore considered that the scale and mass of the proposed extension is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered to be acceptable having regard to the existing and surrounding properties in the area.

On balance it is considered that the design and appearance of the proposed development does accord with Core Strategy Policies DM1 and EN1 and saved policy DC1. 2 and DC1.3 and in general the design is not considered to be unacceptable.

Waste management

Would be unaffected by the proposal.

Parking

Parking is unaffected by this proposal.

Conclusion

It is considered that the proposal would provide visual harm to the occupiers of the adjoining properties by way of appearance, bulk and mass and if approved would provide an overbearing and detrimental impact on the residential amenity of the occupiers of the adjoining properties and the character of the area and therefore does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 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.

Reasons for recommendation to refuse

1) The proposed development by reason of its siting, scale, appearance and proximity to the common boundary would have an overbearing and overshadowing impact, creating an intrusive feature in the form of expanse of brickwork along the boundary to the detriment of the residential amenity to the occupiers of the adjoining properties. 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.

Appendix 1 – List of consultees & neighbours notified

116 Ladybarn Lane, Manchester, M14 6YH
114 Ladybarn Lane, Manchester, M14 6YH
Ladybarn Community Centre, Royle Street, Manchester, M14 6RN
122 Ladybarn Lane, Manchester, M14 6YH
120 Ladybarn Lane, Manchester, M14 6YH

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

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH