

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130613/FH/2021

Date registered valid: 1 September 2021

Proposal: Erection of first floor rear extension above approved ground floor extension (ref.129446/FH/2021) to form additional living accommodation.

Address: 13 Second Avenue, Manchester, M11 4LX

Ward(s): Clayton & Openshaw Ward

Applicant: M Patrick 13 Second Avenue, Manchester, M11 4LX

Agent (if any): Mr Joe Lindon ATX Building Design 25A Park Street, CW12 1EG

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 27 January 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 June 2021

Standard consultations:

Printed: 6 September 2021

Expired: 27 September 2021

Neighbour notifications

Printed: 19 January 2022 Expired: 26 January 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

13 Second Avenue is a two-storey mid-terrace dwellinghouse situated within a row of four properties at the head of a turning circle within short cul-de-sac. The application property benefits from amenity space to the front and rear elevations. There is off-street car parking within the curtilage of the property to the front, with associated railings and gates forming the front boundary treatment. There is an existing shared access at ground level between nos. 11 and 13 Second Avenue which leads to separate gated access to the rear garden area of each property. The application property lies within the Clayton & Openshaw Ward of Manchester, within a predominantly residential area of properties of similar type.

Site Planning History

- Erection of single storey rear extension to form additional living accommodation - Ref. 129446/FH/2021 - Approved 20.05.2021.

Description of development

Consent is sought for a two storey rear extension. The proposed scheme would effectively involve the erection of a first floor extension above a previously approved single storey rear extension to form additional living accommodation (Ref. 129446/FH/2021) approved on 20.05.2021, which has yet to be implemented. The previously approved single storey extension was 4.5m in depth, 5.65m in width, with a blank northern gable, bifold doors forming the western elevation and a southern gable with a door to the proposed kitchen diner accommodation.

The current proposal would comprise the previously approved scheme at ground floor level in terms of layout, floor area and window openings. At first floor level the proposed extension would maintain the width of the ground floor element, but would be 3.5m in depth. Windows at first floor level would be in the rear elevation, and in the form of two velux windows, one in each roof slope. The external finish to the elevations would comprise brickwork.

Consultations & Notification Responses

Local residents

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

Following revisions to the initially submitted plans, neighbours were re-notified. No comments, objections or representations were received.

Environmental Health

Have recommended that any approval has a condition attached relating to the installation of gas membrane, together with an informative relating to a Contaminated Land Watching Brief.

1. Gas Protection Membrane

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development. Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill pursuant to policy EN18 of the Manchester Core Strategy (2012).

2. Contaminated Land Watching Brief

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

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, and further updated in July 2021. 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. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

3. Saved Unitary Development Plan Policies (UDP)

Large elements of the UDP have been superseded by the Core Strategy Development Plan. However, saved Policy DC1 for Residential Extensions is still of relevance. This states:

DC1.1

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
- e) the effect of the loss of any on site car parking

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 an 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 street scene by virtue of design, use of materials or constructional 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 car parking problem that unacceptable additional pressures would be created

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)

Policy DC1.6

For the avoidance of doubt, policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Reasons: Many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate 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 Council is not generally in favour of dealing with this issue by laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria.

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 not 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

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

Impact of works - As previously stated, whilst the principle of extending one's home is accepted, the planning system accommodates this demand for more living space, provided the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. Upon assessment of the initially submitted plans, it was considered that in light of the contextual relationship to the neighbouring dwellinghouses within the terrace of properties, the impact of the depth of the first floor element of the proposed two storey extension was considered to give rise to significant adverse impacts to residential and visual amenity to the adjacent dwellinghouses, in particular to no.15 Second Avenue, which lies directly to the north of the proposed development. Concerns were raised with the planning agent in regard to impact from bulk and massing of the proposed extension, together with impacts from overshadowing. In addition, concerns were also raised regarding the initially proposed incongruous roof design, and the proposed external render finish to all elevations of the proposed extension which were considered to give rise to a visually intrusive development.

Revised plans were subsequently submitted (correspondence 02/11/2021). The revisions comprised a reduction in the depth of the first floor element of the proposed extension by 0.5m to give rise to an overall depth of 3.5m at first floor level, with a reduction in the height of both the eaves and the ridge of the roof. The external finish was also revised to comprise brickwork, rather than render.

Following examination of the revised plans, it was considered the revised first floor rearward projection of the extension at 3.5m, together with a reduction in the height of both the eaves and the ridge of the roof, and the change to a brickwork finish would still not be sufficient to mitigate the issues raised in relation to the originally submitted scheme. The agent was asked to consider other revisions to overcome the expressed concerns, but requested that the proposed development be determined on the basis of the revised plans which had been submitted.

For the avoidance of doubt this application has been determined on the basis of the revised plans, as requested by the planning agent.

The application site lies within the middle row of terraced houses and has a shared ginnel access with no. 11 Second Avenue which leads to a separate gated access to the rear of each property. Although the application site has an approximately 14.8 metre depth of existing rear garden, the existing width of the rear garden is approximately 6.6 metres (measured to the shared ginnel boundary).

It is considered that the proposed two storey rear extension would give rise to significant adverse impacts to residential and visual amenity to the neighbouring dwellinghouses, in particular to no.15 Second Avenue (which lies to the north of the site), due to the mass and scale of the proposed development resulting in an unduly overbearing appearance to neighbouring occupiers. Furthermore, the proposed two storey rear extension would lead to overshadowing of the adjacent dwellinghouse to the north.

Therefore, on balance the proposal is considered to be unacceptable and therefore does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1 and EN1 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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The development, by reason of its proximity to the shared boundaries, together with the scale, bulk and massing of the extension, is considered to have an overbearing impact upon the occupiers of the adjoining properties Nos . 11 and 15 Second Avenue and creates an intrusive feature as viewed from surrounding homes and gardens, to the detriment of residential amenity. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1 and the guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

11 Second Avenue, Manchester, M11 4LX

14 Second Avenue, Manchester, M11 4LX
9 Second Avenue, Manchester, M11 4LX
17 Second Avenue, Manchester, M11 4LX
7 Second Avenue, Manchester, M11 4LX
14 Third Avenue, Manchester, M11 4LY
16 Third Avenue, Manchester, M11 4LY
10 Second Avenue, Manchester, M11 4LX
12 Third Avenue, Manchester, M11 4LY
10 Third Avenue, Manchester, M11 4LY
15 Second Avenue, Manchester, M11 4LX
12 Second Avenue, Manchester, M11 4LX

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2