

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132051/FH/2021

Date registered valid: 8 November 2021

Proposal: Erection of a part single/part two storey rear extension and rear dormer to form additional living accommodation following demolition of existing single storey rear extension and front porch

Address: 1 Willow Way, Manchester, M20 6JT

Ward(s): Didsbury East Ward

Applicant: G. Kuester & M. Rieper 1 Willow Way, Manchester, M20 6JT

Agent (if any): Mr Hill Architectural Solutions Ltd Unit M8 Maxron House, Green Lane, Romiley, Stockport, SK6 3JQ

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 December 2021



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 June 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 12 November 2021

Expired: 3 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

The application site is a red brick and white render Edwardian semi-detached dwelling situated on the western corner of Willow Way at the junction with Catterick Road. The property is on a larger than average plot with gardens to three sides and vehicular access off Catterick Road.



Being a corner property, there are decorative gable window features and brickwork/render on the side elevation which mirrors the front, with a slate covered gable roof. The rear elevation

has been altered, with none of the original vertically proportioned windows and no projecting outrigger as seen on other Willow Way properties.

Within the rear garden is a single storey rear lean-to on the boundary with No.3. The intervening fencing on this elevation is heavily vegetated whilst along Catterick Road there is a 1.2-metre high timber panel and post fence.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is within a residential area characterised by Edwardian semi's along Willow Way and the south of Catterick Road whilst the north is characterised by inter-war semi's. A number of mature garden trees front the street on Catterick Road.

Description of development

Erection of a part single/part two storey rear extension and rear dormer to form additional living accommodation following demolition of existing single storey rear extension and front porch.

The application is a re-submission of 130226/FH/2021 which was withdrawn on the 23rd of June 2021 on the Council's advice. This was due to the design and overbearing nature of the proposal.

Consultations & Notification Responses

The application was notified to 11no. neighbours. The following 3no. comments were received:

Shading

This proposed two storey rear elevation extension and third storey loft conversion with rear dormer to the full width of the dwelling, projecting 6.016m in length and 7.785m in height is in direct parallel with my rear garden. This huge extension and conversion will shade my rear garden and house during the afternoon through to sunset, therefore resulting in unjustifiable loss of sunlight and daylight. I have only a rear garden while 1 Willow Way - from whom this extension is requested - has a large rear and side garden and will not be compromised in any way by its proposed size.

Privacy

This proposal has 3No rear elevation windows of concern, 2No at first floor - landing & bedroom windows and 1No at second floor - loft bedroom. These 3No windows will result in undue loss of privacy to my rear garden as viewing lies directly over/above the side boundary fence into my garden. The loft window is 500mm away from the boundary and is not set back 1.0m like most dormers. The proposed dormer is located/sits on the rear elevation; therefore, this loft window provides maximum viewing over my rear garden. The first-floor windows are closer to ground level and both project along my rear gardens' length.

Tunnelling

This proposal will create a tunnel effect and the scale and mass will result in overbearing to my Rear Living Room and Rear Bedroom, effecting my 'Right to Light'. My daughter has congenital heart disease; anxiety issues; ADHD; asthma and rarely leaves the house - her bedroom will be directly and unduly effected by the loss of light.

Privacy

This proposal has a glazed roof light to the kitchen, which will allow viewing of my first-floor bedroom window, this significantly effects our privacy.

Overbearing

This proposal has a first-floor extended landing and second floor dormer, which are both too close to my property and garden, this results in the scale and mass being overbearing and unacceptable.

This proposal will create an overbearing effect that will be detrimental to me, my daughter and any persons visiting my home and my rear garden.

Policy DC1.1, DC1.2 and DC1.3 of the saved policies of the Manchester City Council Unitary Development Plan (UDP), allows for extensions to residential properties where they seek to meet a number of criteria. I raise significant objection to a number of the criteria and these points are listed below.

This is a substantial extension and conversion that appears to increase the property by around 1/3 presenting a significant overbearing nature to the boundary of Catterick road and my property as the immediate neighbour.

Policy DC1.1 requires the council to give due consideration to a number of criteria. In particular, I raise objection to part b and the effect of the development upon the amenity of neighbouring occupiers. The massing, scale and location of the proposed extension and conversion will have a massive negative affect on the amenity of my home and rear garden.

Policy DC1.2 confirms extensions to residential properties will be allowed subject to compliance with the criteria. Part b is directly relevant as I consider there will be a direct loss of sunlight, daylight and privacy to my neighbouring property.

Policy DC1.3 advises that a rearward extension greater than 3.65m in length will not normally be approved by the council. This scheme proposes a multiply of 1.65, of the accepted 3.65m rearward extension, this being 6.016m in length.

8. The extension and conversion will make the property overly dominant and visually obtrusive with an overbearing appearance to our home - as the neighbouring occupiers - to the detriment of visual amenity and as such is contrary to saved policies DC1 of the UDP for the City of Manchester and Policies SP1 and DM1 of Manchester's core Strategy Development Plan document and guidance in the National Planning Policy Framework.

9. The applicant has not presented any material considerations that outweigh the overbearing negative impact the proposal will have on the immediate neighbours and I ask the council to take this into consideration when considering this planning application.

10. Section 3.5 of the Planning Statement produced to accompany the application states that 'the height, mass and scale of the extension has been significantly reduced from the previously withdrawn scheme.' I would strongly disagree with this statement. The height is over 7m and the length has been reduced by less than 0.2m. The height, mass and scale of the extension are still significant and excessive.

11. Section 3.6 of the Planning Statement states that the size of the windows to the rear have been reduced and repositioned such that there are no side windows facing the adjoining property. It makes no mention of the addition of a huge dormer window with the introduction of 2 new windows overlooking the rear garden of my property.

Objection 2

The size of the proposed extension is likely to block out the sun in my garden especially at the end of the day. I think the extension should be lower and not come out so far to limit the amount of sun lost.

Objection 3

Having reviewed the planning application, we would like to submit formal appeal against the proposal. The grounds for this appeal are as the proposed two storey rear elevation extension is massive, with the ground floor projecting 6.016m in length, the second storey 4.474 in length and 5.557m in height. The plans are beyond any other extensions on the street and out of character. We're extremely concerned that this huge extension will have an overbearing feeling on our garden. Furthermore, this huge extension will cast our rear garden and house in to shade during the afternoon through to sunset, therefore resulting in unjustifiable loss of sunlight and daylight. Our rear garden is north facing, limiting the amount of sunlight we are able to enjoy. The sun sets over the gardens of the neighbouring properties and Catterick Road. The proposed extension in particular the second storey projecting almost 5 metres out from the current property would completely block any enjoyment of sunlight in the evening for my young family.

We have previously emailed to request a light survey, similar to which has been produced for the planning application of 43 Willow Way. This highlights the detrimental loss of light impact on the immediate neighbouring properties. Having not received a response from Linda, I would like to again request this be completed and shared with us prior to any applications being approved.

The end plot benefits from a wraparound garden and thus allows for multiple ways to extend without impacting neighbours, for example out to the side from the dining room which would not have any bearing on the neighbouring properties gardens. Have options been considered on alternative configurations?

Case Officer's Note: A light survey and 45° rule drawing were requested from the agent and subsequently forwarded to Objector 3 on the 14th of December 2021 as requested. No further comments were received.

Issues

The key issues in this application are the impacts on residential and visual amenity. These are considered within the following planning regulatory framework policies:

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, however, the following policies are material to the application:

Policy DC1 - Residential Extensions

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

Policy SP1 - Spatial Principles

Policy DM1 - Development Management

The National Planning Policy Framework (NPPF 2021), in particular:
Chapter 12 - Achieving well-designed places

National Design Guide (January 2021)

For reasons to be outlined below, the proposal is considered to accord with the above planning regulatory framework.

Residential amenity

The application proposal has been significantly amended from the previously withdrawn scheme, taking account of the Council's concerns with regards to the impacts on residential and visual amenity.

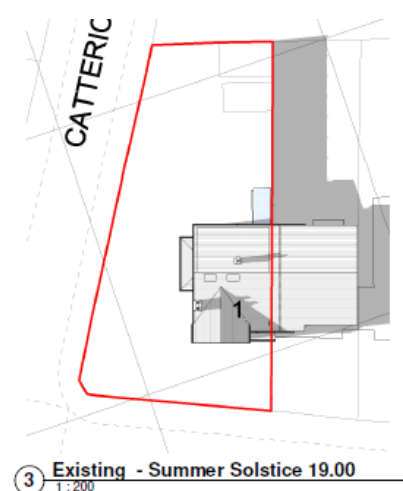
In this revised scheme, the ground floor retains an extension that is 6 metres in length to conform with current allowances under the prior approval process under Class A of the GPDO and introduces a dormer that could be erected under Class B.

The ground floor extension provides an extended kitchen/dining room. It has a height of 3 metres to a flat roof which means that as noted in the accompanying Planning Statement (paragraph 4.15), little of this element will be visible from No.3, the adjoining semi, given the height of and vegetation to the intervening fence.

At first floor, the amended proposal provides a bedroom. It has been given an irregular footprint to reduce the impact on the adjoining occupier. A 1.7-metre deep section would be sited 1.6 metres off the boundary with No.3, and a side window as previously proposed has been deleted. A rear-facing narrow window has been introduced and is sited 1.9-metres off the boundary.

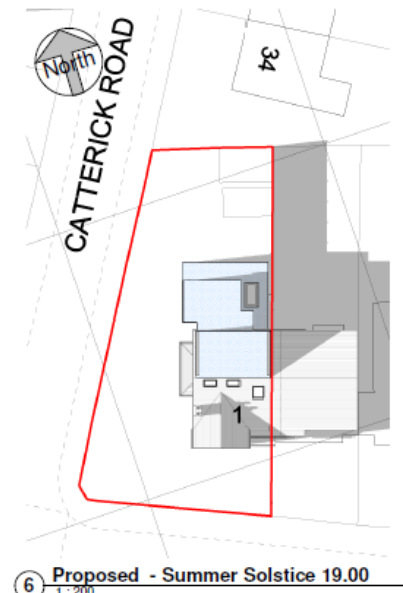
The main part of the first floor extends to 4.4 metres and is sited 2.8 metres off the boundary. Windows are proposed on the rear-facing and Catterick Road, side elevation, including a feature corner window. The depth at first floor exceeds saved UDP policy DC1.3 guidance by 0.75-metres. This is however acceptable in the context of the almost 3-metre gap to the adjoining semi which is sufficient to off-set any overbearing impacts and any perception of tunnelling. This is confirmed in the additional drawing requested from the agent during negotiations to demonstrate the 45° rule, with the deepest first floor corner meeting this test. For comparison, the applicant could complete a 2-storey rear extension up to 3 metres in depth that

is sited 2 metres off the neighbouring boundary under current Permitted Development allowances. The additional depth in this case is off set by the greater gap to the boundary which relieves the occupier of any overbearing impacts.



In terms of shading this property, some loss of light to a rear first floor bedroom at No.3 and part of the rear garden of this property would be incurred towards the end of the day during the summer. However, as the rear of the site is north-east facing, the rear elevation is largely in shade for much of the day as existing with the majority of light gain being in the morning. This is demonstrated in the submitted shading study. The projected light loss is not significant enough to warrant further amendments or a refusal of the application.

Windows overlook the rear garden from all storeys. As this is an established practice arising from original development, there are no concerns that the siting of new windows will afford any more intrusive overlooking than as existing. The nearest proposed window to the boundary is at first floor and is for a bathroom so will be obscurely glazed as shown on the proposed elevations. Notwithstanding, overlooking of rear gardens is not commonly a reason for refusal and as noted, a proposed first floor window facing No.3 has been deleted from this revision.



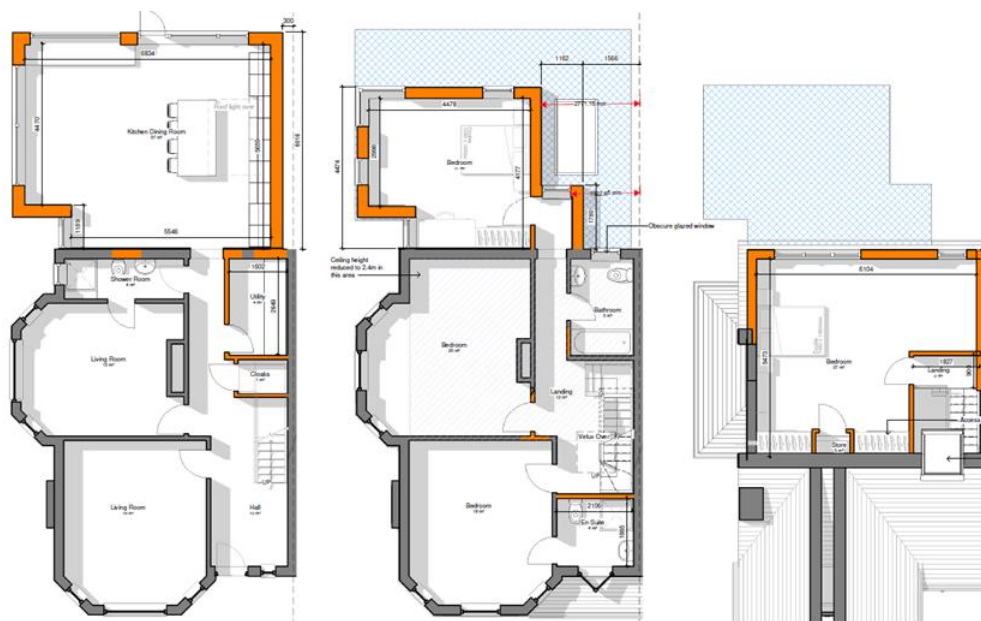
Based on the above, the proposal is considered to have acceptable impacts on residential amenity, in accordance with saved UDP policy DC1 and with the general criteria within Core Strategy policies SP1 and DM1.

Visual amenity

The application dwelling demonstrates attractive Edwardian features including bay windows, decorative brickwork and part-render to both the front and side elevations. By contrast, the rear elevation which is highly visible on the approach south along Catterick Road, has no distinguishing characteristics and has been insensitively altered with inappropriately designed and scaled windows.

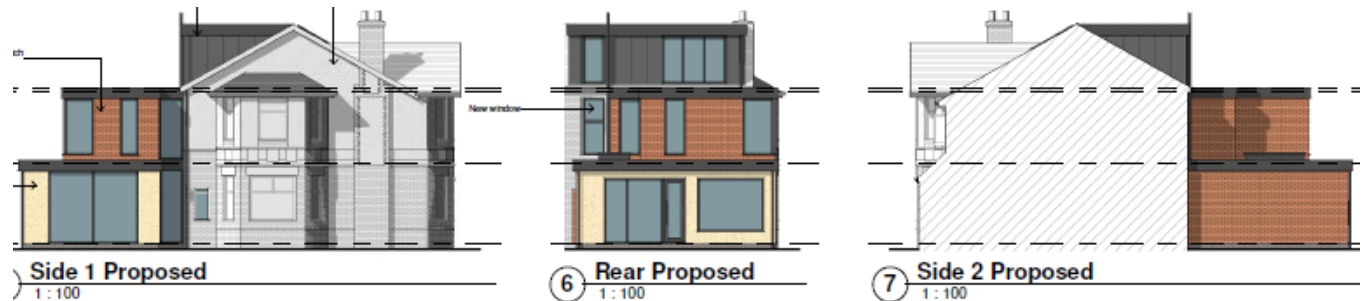
The extension adds striking contrast to the historic features through its contemporary design language, materials and siting to interpret the footprint, design and materials of the original.

It is sited in the most logical position off the rear elevation, the ground floor extension being approximately half the depth of the original footprint and is proportionate to the scale of the plot. It is



aligned with the side bay window which it interprets with its projection and large areas of glazing.

The mass of the first floor which has most visibility in the street scene, is considerably smaller than that of the original dwelling and so appears subservient. It also aligns with the projection of the first-floor bay window at the side and introduces a feature corner window for visual interest. Both of these elements with large areas of glazing also help to relieve the mass of the



development when viewed on approach along Catterick Road. This is further reduced by the flat roofs to all of the extensions.

In design terms, the extension responds appropriately to the vertical proportions of the original, with flat roofs aligned with the headers and cills of windows and with the eaves, and through the use of vertical windows. Gable roofs in this design would not assist in distinguishing the extension from the original and so is justified in this case notwithstanding saved UDP policy.



The contemporary design is simple by contrast in its rectangular footprint and flat roofs which enable the decorative original building to remain fully expressed.

Materials respond to the original through the use of matching brickwork to the common boundary and at first floor on the side and rear, with render at ground floor to the outside and rear elevations. These elements help to unify the extension with the original whilst enabling legibility and appreciation of both built forms.



At roof level, the dormer is of a typical shed design which responds to the gable roof profile and lines of the extension. Zinc materials are proposed for the walls and cheeks which is in keeping with the contemporary design language of the rear elevation whilst complementing the original slate roof. The materials are required to be implemented in accordance with the drawings and documents as set out in condition 2 below.

Overall, the proposal represents a high-quality design with clear separation between each element. This reduces the mass of built form whilst complementing the original dwelling. Being a corner property, the extension helps create an attractive focal point that anchors the property to the junction.

It will benefit both the appearance of the rear of the site and the wider street scene on approach along Catterick Road which is supported in saved UDP policy DC1 as well as Core Strategy policies SP1 and DM1. At national level, the proposal follows the general principles of good design as set out in the National Design Guide (2021); paragraph 65 noting that:

Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context whilst the NPPF (2021) at paragraph 130 states that:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

The above documents carry material weight in the assessment of proposals as set out in the NPPF at paragraph 134:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

The combination of good design, high quality and appropriate materials in this application represents a sustainable form of development that is supported in NPPF guidance on achieving well-designed places, as well as Core Strategy policies SP1 and DM1. Notwithstanding the points above, objections have been received on this revision which are discussed below.

Other matters

Objectors are most concerned about the scale of development and the perceived loss of light and privacy.

Issues to do with the loss of light and privacy have been considered above. An issue has been raised by the adjoining occupier with regards to the loss of light to a first-floor bedroom. Whilst the Council notes and is sympathetic to these concerns, the application has demonstrated that the amount of light loss will be relatively small and limited given the north-east facing orientation of the rear elevation.

In terms of the scale, objectors have suggested that the perceived impacts arising from the scale of development could be overcome by siting the majority of the extensions to the side of the dwelling, ie: coming off the Catterick Road elevation. Not only would this be out of character with the pattern and form of development in the area, but it would entail the loss of original and characterful features which are integral to the historic dwelling and make an attractive contribution to the street scene as originally designed. It would also take development beyond the Catterick Road building line and not resolve the unattractive characterless rear elevation which makes no meaningful contribution to the street scene.

Other matters concerning the scale of the ground floor extension have been considered above and in the context of what alternative the applicant has available under Permitted Development allowances. This would also take in the majority of development proposed to the roof.

Conclusion

Based on the above, the revised proposal is considered to have acceptable impacts on residential and visual amenity subject to compliance with the conditions set out below, and so accords with the current planning regulatory framework as set out in the NPPF, National Design Guide, Manchester Core Strategy and saved policies of the UDP.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework, National Design Guide as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The proposal raised objections on consultation which have been taken into consideration in the assessment of the application.

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 as received on the 26th of October 2021 or as stated below:

Application Form

Existing and Proposed Plans and Elevations received on the 8th of November 2021 Drawing Nos: 01 Rev D, 02 Rev A and 03 Rev D

Existing and Proposed Plans received on the 8th of December 2021 Drawing Nos: 01 Rev D, 02 Rev A, 03 Rev E, 08 (Summer Existing and Proposed Shading Study) and 09 (Winter Existing and Proposed Shading Study).

Planning Statement prepared by Acer Town Planning dated August 2021 received on the 8th of November 2021

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

3) The materials to be used on the development hereby approved shall be implemented in accordance with the details as set out on the approved drawings and application form noted in Condition 2 of this Decision Notice.

Reason – To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity pursuant to policies SP1 and DM1 of the adopted Manchester Core Strategy and to the guidance contained within the National Planning Policy Framework.

4) Before first occupation the development hereby approved, the first floor WC window on the rear facing elevation and the ground floor shower room window on the west facing elevation, 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 residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

34 Catterick Road, Manchester, M20 6GJ
51 Catterick Road, Manchester, M20 6HF
3 Willow Way, Manchester, M20 6JT
57 Catterick Road, Manchester, M20 6HF
55 Catterick Road, Manchester, M20 6HF
53 Catterick Road, Manchester, M20 6HF
49 Catterick Road, Manchester, M20 6HF
47 Catterick Road, Manchester, M20 6HF
5 Willow Way, Manchester, M20 6JT

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH