

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131196/FO/2021

Date registered valid: 13 September 2021

Proposal: Erection of single storey side and rear extensions to provide additional living accommodation

Address: 569-571 Kingsway, Manchester, M19 1PL

Ward(s): Didsbury East Ward

Applicant: Mohammad Yasin, 569-571 Kingsway, Manchester, M19 1PL

Agent (if any): Mr Ahmed Choudhry, Nada Architects, 169 Kingsway, Manchester, M19 2ND

Case officer: Robert Tyrer
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Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 07 October 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 September 2021

Expired: 12 October 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 relates to two, opposing two storey semi-detached dwellinghouses which shared a boundary. Both properties are brick built, with a hipped titled roof and have ground and first floor bay windows with a recessed porch at 569 Kingsway and a front porch at 571 Kingsway.



Photograph 1 Application site as viewed from Kingsway

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature which contains Kingsway which is a main highway in and out of the City.

Description of development

The applicant seeks planning permission to erect a single storey side and rear extensions to provide additional living accommodation.

Consultations & Notification Responses

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

The relevant **UDP** policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. And,

130. 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);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², 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.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The 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.

Development in this application proposes a single storey side and rear extension to both properties. There appear to be a number of properties which have extended at the side and rear in the area and therefore here is no objection in principle, subject to satisfactory impacts on residential and visual amenity, parking and bin storage in accordance with the above development plan policies

Residential Amenity and Visual Amenity – The applicant seeks to create additional living accommodation with a single storey side and rear extension to form an enlarged kitchen and living areas including utility rooms with an identical extension to each property.

The proposal is a simple brick-built design, with a lean to roof extension at the side of each property which would form a valley along the shared boundary built to a maximum height of 3.47metres. At the rear the extensions would have a rearward projection of 5 metres, a width that would extend the full width of the existing dwellinghouse plus the proposed side extension. The roofs would be dual pitch with a ridge height of 3.8 metres and an eaves height of 2.95 metres.

Given that No. 573 Kingsway has been extended (see photograph 2), with a single storey extension, there are no concerns that there would be any overshadowing or overbearing impacts. In terms of 567 Kingsway (photograph 3) this property is located to the north of the application site and the impacts of the development will be discussed below.

The fallback is a material consideration in the decision making process, of which the PD rights given by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) comprise an element. Thus, when making a decision on a planning application it may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

Although the GPDO would not allow a side and rear extension to the size proposed it would allow a larger rear extension of up to 6 metres by prior approval which would be worse than the proposal. Secondly as is the case with this application, in a prior approval application all adjoining properties of the proposal would be notified and only if they objected would an assessment be made on the impact of the proposal. In this case no objections have been received and therefore had the application been a prior approval for a rear extension it would have been granted subject to complying with all parts of the order.

To conclude whilst it is noted that due to the orientation of the properties, 567 Kingsway is located to the north of the application site and there maybe some overshadowing on this property. The impact is lessened to some degree by the fact that the proposal would be single storey and would not exceed the heights of the GDPO (Max height and eaves height). Furthermore as discussed, the applicant could have applied for a prior approval for a large home extension which could be argued to have a similar if not worse impact that the current proposal. It is therefore considered that the impacts on 567 Kingsway would not warrant the refusal of the proposal.



Photograph 2 View towards 573 Kingsway



Photograph 3 View towards 567 Kingsway

Trees and Bin Store – During the course of the application it was noted that 3 trees are to be removed should the application be approved; the applicant has provided an update site plan which now shows three replacement trees. A condition is recommended to ensure that the trees are planted within 12 months of the works commencing and that they are protected for at least 5 years.

Bins are shown within a dedicated bin store for each property, the stores will mitigate the visual impact of the bins being located at the front of the property.

Parking - Although the existing garage is due to be demolished the driveways are to be retained providing at least one off road parking space for each property.

Conclusion – The proposed rear and side extension is considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP and is recommended for approval.

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 applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application and these concerns have been addressed in amended drawings. Appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan and to policies SP1 and DM1 of the Core Strategy.

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:

(04)001 and (05)001 received by the City Council as Local Planning Authority, on the 29 July 2021

(01)001 PL3 received by the City Council as Local Planning Authority, on the 08 November 2021

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 materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason - To ensure 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 DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The bin stores shall be carried out in accordance with drawing (01)001 PL3 received by the City Council as Local Planning Authority, on the 08 November 2021 and shall be available prior to the first use of the extension hereby approved and shall remain in situ.

Reason - In the interests of residential and visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy

5) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref (01)001 PL3 received by the City Council as Local Planning Authority, on the 08 November 2021, shall be implemented not later than 12 months from the date of commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

828 Burnage Lane, Manchester, M19 1RS
818 Burnage Lane, Manchester, M19 1RS
830 Burnage Lane, Manchester, M19 1RS
824 Burnage Lane, Manchester, M19 1RS
822 Burnage Lane, Manchester, M19 1RS
412 Kingsway, Manchester, M19 1SX
573 Kingsway, Manchester, M19 1RA
571 Kingsway, Manchester, M19 1RA
567 Kingsway, Manchester, M19 1RA
408 Kingsway, Manchester, M19 1PL
826 Burnage Lane, Manchester, M19 1RS
820 Burnage Lane, Manchester, M19 1RS

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) -
Area Team Boundary - Name: SOUTH