

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131231/FH/2021

Date registered valid: 2 August 2021

Proposal: Erection of single storey rear extension to form additional living accommodation.

Address: 76 Matthews Lane, Manchester, M19 3ES

Ward(s): Levenshulme Ward

Applicant: Mr. Luqman Ahmed 76 Matthews Lane, Manchester, M19 3ES

Agent (if any): Mr. Niamat Ali NA Design 47 Egerton Road South, Manchester, M21 0YW

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 September 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:

Printed: 5 August 2021 Expired: 26 August 2021

Neighbour notifications

Printed: 31 August 2021 Expired: 14 September 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a semi-detached property which lies opposite a school, and its grounds, in an otherwise mostly residential area. The property lies between no. 78 Matthews Lane, which is the attached semi-detached property, and no. 74 Matthews Lane. The property has an existing flat roof single storey outrigger, which covers approximately half of the rear elevation of the property, on the side of no. 74, and which projects approximately 2 metres from the rear of the house.

It is proposed to demolish this outrigger and to erect a single storey extension, at the rear of the property. The extension would project approximately 4.3 metres, from the rear of the property and would have a pitched roof, with an eaves height of approximately 2.7 metres, and a maximum height of approximately 3.6 metres, where the roof would be attached to the existing house. The property also currently benefits from a single storey outbuilding, in the rear garden, locating towards the rear boundary of the site, and this structure will remain.

Originally the proposal included an upper floor extension, but this element has been removed from the scheme.

Materials would match the existing.

Consultations & Notification Responses

Local residents - The occupier of the adjoining property objects to the application for the following reasons:

- Her daughter has a physically disabled daughter who is also partially sighted, and they already have very little natural light and the proposed development would block what little light they have.
- In particular her daughter has specially adapted quarters, in a rear extension to the property, and that is already dark and that would be made much worse by the proposed development.
- It is a civil right, to natural light, and their neighbour is trying to deny this, with the proposed extension.
- Even a lower floor extension would reduce the natural light to their property.
- Their objection should be given extra weight due to her daughters special circumstances because of her severe visual impairments, which make this a more detrimental proposal, than it would be if her daughter had no impairments.

Two physician assistants, who care for the objector's daughter, have also submitted objections to the proposal. They state that their patient has multiple impairments, with one of them being partial sight loss and she therefore requires adequate light, in her adapted room, which they work in, and they also need adequate light so that they are able to work to provide full care to meet her requirements. They state that losing natural light would leave no light, in her activity area, to perform tasks such as personal hygiene and dressing. Ultimately they consider that the proposed development would be detrimental to her health and wellbeing.

Highway Services - No objections

Strategic Area and Citywide Support Manager - No objections.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It 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 visibly 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.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable 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. paragraph 127).

The 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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is presently unallocated within the Manchester Unitary Development Plan.

Saved Policy DC1.1 states that 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 the 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 a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that 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 original buildings);
- b. They do not create 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 scene by virtue of design, use of materials or construction details.

DC1.3 States that, 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 councils guidelines on privacy distances (which are published as supplementary guidance).

Impact of works/residential amenity - The extension is at the rear of the property and any impact, from the proposed extension, is likely to be confined to the residential properties either side. The occupiers of the attached semi-detached property (78 Matthews Lane) have raised no

objections to the proposal. The occupiers of the other adjacent property (74 Matthews Lane) have objected to the application, and regard has to be given to their specific circumstances.

The daughter, of the property owner, is physically disabled and is also partially sighted. She spends the majority of her time in specially adapted accommodation, at the rear of their property, where there is restricted natural light, due to the close relationship of the two properties. There are also physician assistants, who provide care at the premises, who have indicated concern about a proposal that would further reduce natural light, at the rear of no.74.

Originally the application included an upper floor rear element, of the extension, and it is considered that this had the potential for significantly reducing light, to the rear garden of no.74, and this has been removed from the scheme.

In considering the extension now proposed, regard has to be given to the following:

- The applicant could have made a prior notification application for a larger home extension. It is noted that an adjoining resident can still raise an objection to such an application, but it is the case that the extension now proposed meets the criteria, for larger home extensions, set out in Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The applicant could have built a single storey extension, with a 3 metre projection as permitted development. with a roof of the same height, or higher, than that that currently proposed.
- The proposed projection of 4.3 metres provides an extension that goes 1.3 metres beyond the standard permitted development limit and the roof height, along this additional length, reduces from 3 metres down to 2.7 metres.
- The application property already has an existing 3 metre high outrigger on the side of the house adjacent to no.74.
- The extension would be set approximately 1.5 metres way from the common boundary with no.74.

Bearing in mind the above points, it is not therefore considered that the proposed works are excessive. Even without the option of a larger home extension, the proposed works, do not go beyond that allowed as a standard permitted development allowance and would be only partially viewed above the existing boundary fence, particularly in relation to the proposed element beyond the 3 metre projection permitted development allowance. It is also considered that the impact of the proposed extension would be further mitigated by the 1.5 metre gap between the proposed extension and the common boundary.

The residents concerns are valid to the extent that natural light is important for her daughter and any proposed works therefore represent a concern to her. However the scale of the works now proposed are not considered to be so great that they would cause significant harm to the amenity of the occupiers of the adjoining property or reduce natural light to the extent that there would be a significantly noticeable detrimental change, particularly when considering other options that were available to the applicant as permitted development. The Council is sympathetic to the concerns of the adjoining resident but, on balance, it is considered that the element most likely to adversely impact on the adjoining residents, has been removed from the scheme, and the structure now proposed is of an appropriate scale that provides an acceptable response to the relationship of these two properties.

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. In this case, negotiations were entered into, which will result in a reduction in the removal of the upper floor element of the extension.

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 drawing numbered NA-P01, stamped as received by the City Council, as Local Planning Authority, on 2 August 2021 and drawing numbered NA-P02, stamped as received by the City Council, as Local Planning Authority, on 26 August 2021

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The materials used to construct the external elevations of the extension hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

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.

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 openings, including windows and doors, shall be inserted within the elevations

of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouses, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

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.

Informatives

1) Any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicenses@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services

6 Norley Drive, Manchester, M19 3FX
78 Matthews Lane, Manchester, M19 3ES
72 Matthews Lane, Manchester, M19 3ES
262 Mount Road, Manchester, M19 3FS
260 Mount Road, Manchester, M19 3FS
80 Matthews Lane, Manchester, M19 3ES
74 Matthews Lane, Manchester, M19 3ES
4 Norley Drive, Manchester, M19 3FX

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2