

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129589/FH/2021

Date registered valid: 26 March 2021

Proposal: Erection of a part single, part two storey rear extension and installation of dormer to rear to provide additional living accommodation

Address: 43 Edgeworth Drive, Manchester, M14 6RU

Ward(s): Withington Ward

Applicant: Mr Afique Miah 73 Longdale Avenue, Manchester, M14 6RU

Agent (if any): Mr M. Amjad Active Construction Ltd 44 Higher, Manchester, M12 6DA

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 24 September 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: Due to the Covid 19 Pandemic site photographs were provided by the applicant.

Standard consultations:

Printed: 30 March 2021 Expired: 20 April 2021

Neighbour notifications

Printed: 30 March 2021 Expired: 20 April 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 storey semi-detached dwellinghouse with render at first floor and brick at ground floor and side. The property has bay windows to ground and first floor and a red concrete roof tiles.



Image 1 Application site. Source Google Earth accessed 16.09.2021

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature, comprising of similar design dwellinghouses and size.

Description of development

The applicant is seeking planning permission to erect a part single, part two storey rear extension and installation of dormer to rear to provide additional living accommodation

Consultations & Notification Responses

Residents/Public Opinion – Three representations have been received objecting to the application. The concerns raised are as follows;

- The proposal will result in a taller building that will overlook the neighbours garden and the height of the extension will block light out within the garden and at least one of the rooms in the rear of their property;
- The proposal will result in a larger property that would be located closer to the objector's property and it is likely to appeal to students;
- The extension would be incongruous with other extensions within the street and will result in overdevelopment as the extension will incorporate a lot of the garden.
- The two storey extension would impact the objectors privacy's when using the garden and overlooked by a second storey window that will be metres away from their outdoor seating area;
- The extension will also block evening light into the garden.
- The objector has no concerns with the single storey extension and loft conversion or the two storey side extension;
- Questioned whether there would be sufficient car parking and whether the property would be used as a HMO.
- The property backs onto a brook and the objection raises concerns as to whether the an extension of the size proposed would have an effect on ground water and potentially increase the risk of flooding. Asked that the proposal be assessed for flood risk.

MCC Flood Risk Management – No objection, requested a conditions requiring that the development is not occupied unless and until flood resilient measures have been implemented and listed those requirements.

MCC Environmental Health - Requested a condition requiring a gas membrane in order to alleviate any possibility of landfill gas ingress to the building.

Ward Councillors – Object to the proposal.

- The proposal would result in an over intensification of the property from a standard 3 bedroom semi detached to a 5 to 6 bedroom House in multiple Occupation (HMO).
- The proposal would be out of keeping with the size and scale of neighbouring properties
- Approving the proposal would be contrary to policy H11
- Increase pressures on-street carparking,
- Reduce limited green amenity spaces in an area prone to flood risk
- Increase in Noise and Disturbance on neighbours, loss of privacy and loss of light.

Ward member were notified of the receipt of amended plans and confirmation the property was to be used as a dwellinghouse no further comments were 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 – 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 several 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 part single, part two storey rear extension and installation of dormer to rear to provide additional living accommodation to which there 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.

There is also a watercourse known as Cringle Brook at the rear of the site therefore flood risk will also be considered.

House in Multiple Occupancy (HMO) – Concerns have been raised as to whether the property is or will be used as a HMO, clarification was sought from the applicant who has confirmed via the agent that the dwellinghouse is not nor will be used as a HMO and will continue to be used as a single family dwellinghouse.

In addition, the HMO register identifies only four properties on the street that share the same postcode as being a licensed HMO and 43 Edgeworth Drive is not one of these properties.

The application is for the erection of an extension and dormer to the property and not a change of use, which is required under the Article 4 Direction.

Residential Amenity and Visual Amenity – As described the applicant seeks to extend at the rear of the property with a part single, part two storey rear extension and dormer within the rear roofspace. The applicant originally proposed a two storey rear extension and dormer, however, following concerns raised with the applicant regarding the proposals impact on the adjoining property no. 41 Edgeworth Drive, in particular the proposal at first floor for the proposed bedroom

and its proximity to the shared boundary, there were concerns that if approved would result in an extension that would have an overbearing impact on this property and to the detriment of their neighbours amenity.

To address these concerns the applicant has submitted amended drawings which now show that the extension has been set back at first floor and away from the shared boundary with No.41 Edgeworth Drive by 2.35 metres. The single storey element would have flat roof to a height of 3 metres with the two storey element a hipped roof with a maximum height of 6.7 metres (2.3 metres lower than the main roof ridge height), the eaves would match those of the existing dwellinghouse.

In terms of rearward projection, as before the proposal would extend off the existing rear elevation by 4 metres at its maximum at both ground and first floors; and have a width the same as the existing dwellinghouse. Given the orientation of the houses, the rear gardens of No.41 and 43 (facing south) currently receives a lot of sunlight. Therefore, any impact is likely to be in the late evening and this would be insufficient to warrant refusal of the proposal.

In addition, as can be viewed on photograph 1 there is a single storey flat roof extension close to the shared boundary at No.41 Edgeworth Drive (application reference: 018601) which has an approximate rearward projection of 2.35 metres and therefore the impacts (overbearing/overshadowing) on the neighbour for the ground floor extension will be mitigated by the existence of this extension. Secondly the nearest window at first floor appear to be obscurely glazed suggesting that this room is a bathroom, therefore as it is not a habitable room the visual impacts are further reduced on no.41.



Photograph 1 Rear Elevation of 41 and 43 Edgeworth Drive, photograph provided by the applicant

In terms of the proposed dormer on the rear roof, this would have a width of 5.28 metres, a height of 2.4 metres and a length of 3.13 metres resulting in a cubic content (volume) of 19.83 cubic

metres which would have met the criteria of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) (GPDO) has it been proposed on its own.

Concerns were raised regarding the loss of privacy, however none of the proposed windows will directly overlook the neighbours gardens to a degree to warrant the refusal of the application. At the rear the properties on Beverly Road are separated by the brook would be approximately 18 metres away from the proposed extension.

The proposed materials will match that of the existing dwellinghouse and a condition is recommended to ensure that the appearance is similar.

On balance, due to the position, design and size of the proposed extension it is considered to be in accordance with policies DM1 of the Core Strategy and DC1 of the UDP

Flood Risk – The application site is located within Flood Zone 3 and is at a Low risk from surface water flooding. The application was accompanied by a Flood Risk Assessment which proposed floor risk mitigation measures, and these are to be conditioned if the application is approved to reduce the impacts of flooding.

Concerns were raised that the proposal would increase flood risk but the report concludes that the since the proposal is intending to manage any additional surface water at the source and therefore the impact of flood risk elsewhere is low. Flood Risk Management team recommended a condition which is in line with the flood mitigation measures proposed and raised no objection to the proposal.

Contaminated Land – A pre-commencement condition was requested by environmental health requiring details of a gas membrane to be installed in order to alleviate any possibility of landfill gas ingress to the building. This condition has been agreed with the applicant.

Bin storage - Bin storage would not be affected by the proposed works.

Parking – The property should still be able to accommodate two vehicles parked off road.

Conclusion - The extension is considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 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

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:

AM-PP-02 stamped as received by the City Council as Local Planning Authority, on the 25.05.2021

Flood Risk Assessment, AM-PP-03 and AM-PP-04 stamped as received by the City Council as Local Planning Authority, on the 03.03.2021

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 be similar in appearance to those used during the construction of the original dwellinghouse 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) 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 gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

5) The development shall not be occupied unless and until flood resilient measures have been implemented in accordance with section 6 Flood risk mitigation measures of the Flood Risk Assessment, AM-PP-03 and AM-PP-04 stamped as received by the City Council as Local Planning Authority, on the 03.03.2021

Reason: To reduce the risk of flooding pursuant to national policies within the NPPF and local policy EN14.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

13B Beverly Road, Manchester, M14 6TZ

13A Beverly Road, Manchester, M14 6TZ

17 Beverly Road, Manchester, M14 6TZ

15 Beverly Road, Manchester, M14 6TZ

41 Edgeworth Drive, Manchester, M14 6RU

45 Edgeworth Drive, Manchester, M14 6RS

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) -

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH