

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131152/FH/2021

Date registered valid: 27 July 2021

Proposal: Erection of single storey and part two storey side extension and single storey rear extension to provide additional living accommodation

Address: 77 Birchfields Road, Manchester, M13 0XX

Ward(s): Rusholme Ward

Applicant: Mr Naheem, 77 Birchfields Road, Manchester, M13 0XX

Agent (if any): Mr Nick Howard, 29 Riverside Avenue, M44 6DR

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 21.09.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15th September 2021

Standard consultations:

Printed: 5 August 2021 Expired: 26 August 2021

Neighbour notifications

Printed: 5 August 2021 Expired: 26 August 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: Not applicable

Tree Preservation Order: Not applicable

Description of site

The application property is a two storey render and brick finished residential property located along the busy Birchfields Road which forms a radial route connecting the City Centre to south Manchester. The property has an area of hardstanding to the front used for off road car parking with private amenity space set out to the rear. The southern boundary of the property is shared with the rear of the commercial properties along Meldon Road. To the rear boundary of the property is an area of land which is fenced and accessed from Copthorne Crescent. The property was subject to a recent planning approval reference 125479/FH/2019 for the 'Erection of a single storey side extension, hip to gable roof alteration and installation of a rear dormer to create additional living accommodation'. A further application was submitted in 2021 to retain a part single storey, part two storey side/rear extension with balcony to provide additional living accommodation. This application was refused permission for the following two reasons:

1) The proposed development by reason of its proximity to the boundary with the properties on Meldon Road, together with the projection, size, scale, bulk and massing of the proposal, it is considered that the proposed side and rear extension together with the rear balcony would have an overbearing impact and would create an intrusive feature in the form of expanse of brickwork along this boundary, to the detriment of the residential amenity and privacy to the occupiers of properties at numbers 3 and 5 Meldon Road. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary

Development Plan policies DC1.1, DC1.2 and DC1.4 and the guidance within the National Planning Policy Framework.

2) The proposed flat roof design of the proposed first floor extension would be out of character with the pattern of development found within the area and would result in an incongruous and visually obtrusive feature on the rear elevation of the property, to the detriment of the general character of the existing property and the visual amenity of the area within which it is situated. The proposal is therefore contrary to Policies SP1 and DM1 of the Core Strategy and saved Policy DC1.1, DC1.2 and DC1.3 Unitary Development Plan for the City of Manchester (1995) and the guidance within the National Planning Policy Framework.

A subsequent appeal against this decision was made and this is currently under consideration by the Planning Inspectorate.

The area is predominantly residential in nature although to the south along Meldon Road is a cluster of commercial properties with residential uses on upper floors. Number 3 Meldon Road was converted to a residential use in the 1990s under approval reference 051928/FO/CENTL1/97.



Description of development

The proposals seek the approval of the Council for revised proposals to overcome the reasons for refusal of the previously submitted application. The proposals are for the erection of single storey and part two storey side extension and single storey rear extension to provide additional living accommodation.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals no responses were received.

Environmental Health - Recommend an acoustic insulation condition, this is a pre-commencement condition and has been agreed by the applicants agent.

Highway Services - No objections raised with the proposals in terms of pedestrian or highway safety.

Policy

Relevant policy to this application is contained in the NPPF (2021) and Core Strategy policies DM1 and SP1 and saved UDP policy DC1.

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) 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;
- b) 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Core Strategy policy DM1 indicates 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, odours, litter, vermin, birds, 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.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.

- Flood risk and drainage.
- Existing or proposed hazardous installations.

Core Strategy policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

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.

Unitary Development Plan

Policy DC1 of the Unitary Development Plan seeks to accommodate the 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. It relates specifically to residential extensions and the relevant criteria from this policy include:

DC1.1 The Council will have regard to:

- The general character of the property
- The effect upon the amenity of neighbouring occupiers
- The overall appearance of the proposal in the street scene;
- The effect of the loss of any on-site car-parking

Policy DC1.2 states extensions will be allowed subject to:

- 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)
- They do not create a loss of sunlight/daylight or privacy
- They are not out of character with the style of development in the area
- They would not result in the loss of off-street parking

Policy DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- rearward extensions greater than 3.65m (12 ft) in length;
- 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- 2-storey extensions to terraced properties which occupy the full width of the house;
- flat roofed extensions to bungalows;
- extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.4 indicates that in considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy.

Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Policy DC1.5 states the Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Issues

The principle of householders extending their properties to provide additional living accommodation is generally acceptable subject to further consideration of the impacts of proposals on residential and visual amenity and the character of the area.

Residential Amenity - The location of the ground floor element of the side extension is both wider and longer than that approved under planning permission 125479/FH/2019. That approval consisted of a side extension which had a projection beyond the original rear wall of the dwelling that tied into the projection of the previous single storey rear extension. The proposals at ground floor project beyond the previous rear extension and has a varying width from the side wall of the existing house. At first floor the extension is sited back from the front elevation of the property and extends rearwards to finish in line with the original rear wall of the house. The extensions would be sited along the boundary to the rear of numbers 3 and 5 Meldon Road.



View between properties on Meldon Road towards the current flat roofed two storey extension

The reduction in the first floor extension from that constructed is considered to not give rise to an overbearing impact on the rear amenity space and rear windows serving the residential accommodation at numbers 3 and 5 Meldon Road. The use of a flat roof to the ground floor projecting extension would assist in reducing the visual impact of this element on the properties on Meldon Road and from nearby streets.

Visual Amenity - The reduction in scope of the first floor extension together with the introduction of a pitched roof and hip to gable conversion is not considered to give rise to unacceptable visual amenity in this instance. The hip to gable conversion and dormer reflects those granted consent under planning approval reference 125479/FH/2019, as such the principle of these additions has been established. The amended roof profile and extent of the first floor side extension from that constructed would assimilate into the design of the host property successfully and as such it is considered that the development would not result in an incongruous or visually obtrusive feature on the rear and side elevation of the property.

Other matters - The applicant has submitted information to indicate that the purpose of the enlarged extension is to provide supplementary accommodation for the occupier who has particular medical needs. Adopted policy DC1.5 does allow for particular needs for adaptations to dwellinghouses for their occupiers.

A bin store is indicated as being located to the front of the front drive to the property, it was noted that bins are currently being stored in this location. The provision in this location of a bin store is acceptable, there is a separating fence between the application and adjoining property and there is a slight fall from the front wall of the property towards Birchfields Road. This would assist in reducing the visual impact of a bin store on the street and the neighbouring property.

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 application has been determined in a positive and proactive manner. In this instance a decision has been issued within statutory timescale's.

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:

Drawings no.s 5 and 6 as received by the City Council on the 22nd July 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 development hereby permitted shall be arranged and match those of the existing 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) Before the development commences a scheme for acoustically insulating the proposed residential accommodation (rooms with windows facing Birchfields Road) against noise from Birchfields Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

b) Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance.

Informatives

1) In order to discharge condition 4 of the planning approval noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

4 Birchfields Road, Manchester, M13 0XR
3 Meldon Road, Manchester, M13 0TZ
75 Birchfields Road, Manchester, M13 0XX
73 Birchfields Road, Manchester, M13 0XX
1A Meldon Road, Manchester, M13 0TZ
5A Meldon Road, Manchester, M13 0TZ
Top Flat, 7 Meldon Road, Manchester, M13 0TZ
5 Meldon Road, Manchester, M13 0TZ
1 Meldon Road, Manchester, M13 0TZ
7 Meldon Road, Manchester, M13 0TZ
6 Birchfields Road, Manchester, M13 0XR

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