

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130260/JO/2021

Date registered valid: 30 April 2021

Proposal: Variation of condition 2 (specified plans) attached to planning permission referenced 129161/FH/2021 to allow an increase in the rearward projection of the ground floor extension by 1 metre

Address: 48 & 50 Wilton Road, Crumpsall, Manchester, M8 4EL

Ward(s): Crumpsall Ward

Applicant: Mr Zaheer Aslam & Muhammad Sohrab 48 & 50 Wilton Road, Crumpsall, Manchester, M8 4EL

Agent (if any): M Muhammad Amjad Design 4 Build Services 77 Fields New Road, Chadderton, Oldham, OL9 8BT

Case officer: Eve Woolstencroft
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Recommendation: Refuse

Date of recommendation: 4 August 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 11 May 2021 Expired: 1 June 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a pair of 2 storey, brick semidetached properties located within the Crumpsall area of North Manchester. The properties are located between the Metrolink track to the west adjacent to no. 48 and the junction of Atherstone Avenue with Wilton Road to the east of no. 50. No. 50 Wilton Road has an existing single storey side and rear extension and both properties land levels are lower to the rear with the basement/ground floor accessible from the rear garden.

Description of Development

Variation of condition 2 (specified plans) attached to planning permission referenced 129161/FH/2021 to allow an increase in the rearward projection of the ground floor and first extension by 1 metre

Planning History

-129161/FH/2021 48 & 50 Wilton Road - Erection of part two, part three storey rear and two storey side extension to form additional living accommodation APPROVED 25.03.2021
- 128477/FH/2020 50 Wilton Road - Erection of part single, part two storey extension at rear over cellar, in order to form additional living accommodation - WITHDRAWN 15.12.2020
- 128278/FH/2020 48 Wilton Road - Erection of two storey side and rear extension to form additional living accommodation - WITHDRAWN 15.12.2020
- 116744/FH/2017 50 Wilton Road - Erection of single storey rear extension attached to existing side extension to form additional living accommodation - APPROVED 14.08.2017

Consultations & Notification Responses

Metrolink - Whilst Metrolink do not object in principle to these proposals we do raise serious concerns regarding the proximity to the Metrolink boundary and the top of the cutting slope, particularly of the cellar proposed at No. 48. The drawings do not identify the Metrolink Boundary or state what distance there is between the proposed development and the boundary.

Metrolink runs in a cutting adjacent to 48 Wilton Road, see images below, and it is important that the cutting slope between the property and the tramway is not de-stabilized by the works on the site or by changes to the drainage or tree roots in the vicinity.

Recommendation of a number of conditions relating to: Track monitoring during construction works, Earthworks Stability, Drainage, Boundary Treatment, Tree Protection and Noise and Vibration.

Environmental Health - recommendation of Gas Membrane condition.

Policy

NPPF (2019)

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.

The NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these are: an economic objective, a social and an environmental objective

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 9: Promoting sustainable transport - States that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.
- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

Extant UDP Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC1.1 - Relates to residential extensions and in this case requires consideration of: the impact of the general character of the property; the effect upon the amenity of neighbouring occupiers; the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs and the overall appearance of the proposal in the street-scene. Given the requirements of the resident it is considered that this policy is relevant and the proposed design represents an appropriate response.

Policy DC1.2 - Requires consideration of the extensions to ensure that it is not excessively large or bulky. It is considered that the extension is a proportionate response to meet changing occupational needs.

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

- a). rearward extensions greater than 3.65 metres 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 Council's guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 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:

- a. 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;
- b. 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;
- c. 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.

DC1.5 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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies are relevant for this application:

Policy DM 1 - Development Management

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.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

-Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;

Other legislative requirements

S149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Issues

Principle of Development

Saved policy DC1 seek to support extensions to existing residential properties where it would help homeowners improve the quality of accommodation, subject to being appropriate in terms of residential and visual amenity.

Matter which require consideration in this instance are whether the proposal is acceptable in residential and visual amenity terms.

Visual amenity

The proposal is the resubmission of a previously approved application for a two-storey rear extension. The previously approved extension had a rear projection of 4 metres and cover the entire width of the rear of both properties. The third storey element of the rear extension had a rear projection of 3 metres, a width of 4.7 metres at no. 48 (1.6metres of this projecting to the side) and a width of 3.4 metres at no. 50. There is a gap to the boundary of approx. 2.4 metres from no 48 and 2.9 metres from no 50.

Saved Policy DC1 of the Unitary Development Plan states that in determining planning applications for extensions to residential properties, the Council will, amongst other criteria, have regard to the general character of the property, the effect upon the amenity of neighbouring occupiers and the overall appearance of the proposal in the street-scene. Saved policy DC1 also states that extensions should be subservient to the main house.

The proposal seeks to increase the rearward projection at both ground and first floor by 1 metre. The proposal would result in a large addition to the rear of the properties due to a continuous length of extension along the rear of the properties. Saved policy DC1 seek to encourage extensions of 3.65 metres. The proposed rear extensions would exceed this and it is considered that the cumulative effects of two storey extension with a 5 metre rear projection and third floor at 3 metres creates an overly large and bulky addition to the rear of the properties which is out

of character with the area and would fail to be subservient to the original dwellings and the character and visual amenity of the local area.

Policy DC1.5 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. In this case it is believed that the harm to visual amenity and the character and appearance of the area would not outweigh the benefits to the disabled user. In this case the extension is not consistent with saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

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: Refuse

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. Discussions have taken place with the applicant during the course of the proposal regarding the siting, scale and appearance of the extension, however, in this instance a resolution with the applicant has not been able to be reached in accordance with City Council planning policy.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The erection of a two storey extension at rear to of both properties would, by virtue of the siting, scale and appearance of the extensions, result in an overly large and bulky addition to the properties which would fail to preserve their character and appearance or be subservient to the original dwellings. The proposal would therefore result in a unduly harmful impact on visual amenity which is contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

52 Wilton Road, Crumpsall, Manchester, M8 4EN
2 Atherstone Avenue, Manchester, M8 4PE
77 Wilton Road, Crumpsall, Manchester, M8 4PD
50 Wilton Road, Crumpsall, Manchester, M8 4EL
79 Wilton Road, Crumpsall, Manchester, M8 4PD

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1