

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130644/FH/2021

Date registered valid: 13 June 2021

Proposal: Erection of a part two, part single storey side extension to form additional living accommodation, front porch and canopy over and erection of detached garden/bicycle store (Amendments to approved application 128910/FH/2020)

Address: 3 Milburn Avenue, Manchester, M23 0FB

Ward(s): Northenden Ward

Applicant: Mr. Joseph Chacko, 3 Milburn Avenue, Manchester, M23 0FB

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

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

Recommendation: Approve

Date of recommendation: 11.08.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 22 July 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 June 2021 Expired: 12 July 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 area

The area is predominantly residential in nature with the M60 ring road located to the north. Milburn Avenue is a cul-de-sac with residential properties of a similar design and period of construction as part of the wider development of Wythenshawe in the first half of the 20th Century.

The application property is a semi-detached property red brick and slate roofed property and is reflective of the type and finish of properties on the cul-de-sac. The property has a large side garden with smaller rear and front private amenity space. The adjacent property at number 5 is set directly to the north- west with its side gable facing towards the side garden of number 3. There are no first floor windows to this gable with a small window at ground floor. The application property currently has a detached garage to the side of the property.

Description of development

The proposals relate to the proposed erection of a part two, part single storey side extension to form additional living accommodation, front porch and canopy over and erection of detached garden/bicycle store . The submission is an amendment to a previously approved scheme under reference 128910/FH/2020. The amendments relate to the change from an integral garage to provide additional living accommodation together with the installation of a single

storey front porch and canopy over the front ground floor porch and window, the proposals also include the siting of a timber shed on the site.

The application has been amended since it was originally submitted to place the garage attached to the extended dwelling rather than detached and located in a prominent position in the north eastern corner of the side garden which was considered to be more visually harmful to the streetscene.

The side extension at ground floor would project 8 metres from the existing side gable wall to mirror that arrangement previously approved. The first floor element projecting 3.3m from the side wall. The height to eaves of the two storey element would tie in with the existing property with the ridge matching the existing ridge height of the property. The single storey element would have an eaves height of 2.5m and overall height of 3.4m whilst the additional forward projecting element would have a flat roof and be 2.5 metres in height. This element mirrors that previously granted approval as an integral garage and would project 3 metres forward of the existing front face wall to the property. Because of the relationship with the garden of number 5 the single storey element would be chamfered to retain a gap to the boundary between the properties so having a width at the rear of 1.84 metres. A gap of 800mm would be retained between the extension and boundary with number 5.

The proposals incorporate a porch from the existing properties front elevation and would project 1.5m and have a width of 2.9m. A mono pitch canopy would extend over the front ground floor running from the forwarded projecting element across to the party boundary.

Consultations & Notification Responses

Consultations & Notification Responses

Neighbouring occupiers were notified of the proposals and a renotification of the revised proposals took place. No responses were received.

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 majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester

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:

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

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

- 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 the original buildings)
- b. They do not create a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. 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:

- a. rearward extensions greater than 3.65m (12 ft) 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).

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:

- 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.

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 amenity and the character of the area. In this instance the principle of the extensions have previously been considered as acceptable, in this instance the addition of the porch front canopy and installation of timber shed require further consideration.

Residential Amenity - The proposals are located to the side of the property. Number 5 Milburn Avenue has a largely blank gable wall facing towards the application site and whilst there would be an increase in built form 800mm from the boundary it is not considered that this element of the proposal would give rise to unacceptable impacts on the residential amenity of nearby residential occupiers.

As with the previous approval the proposals incorporate a ground floor side window and a first floor rear facing window to the proposed bathroom. It is considered necessary that an obscured glazing condition be attached to any approval to ensure that these do not cause a loss of privacy or overlooking of the garden area of number 5 Milburn Avenue.

The positioning of the side extension is not considered to give rise to unacceptable impacts on residential amenity. It would be sited to the boundary with number 5 Milburn Avenue which has a side driveway separating the gable wall of the property. Whilst projecting forward of the front of the dwellinghouse it would be located 3.5 metres from the front boundary to the property and would be 2.5 metres in height. As such it is not considered that the positioning in this location would give rise to unacceptable impacts in visual or residential amenity.

The inclusion of the timber shed within the front garden is as a result of the more constrained rear garden, the position has been amended to the side of the proposed side extensions rather than towards the front of the site. The structure would be timber clad and is of a type that is common within gardens. As such given its relatively small size and height of 2.5 m its positioning is considered acceptable.

Character of the Area - The proposed extension is considered to be a logical response to the properties layout and siting. The proposals are to utilise materials to match the existing house and is therefore not considered to give rise to unacceptable impacts on the character of the area. The inclusion of the front porch and canopy whilst not typical to the area are considered to be acceptable. It is noted that the properties opposite have a canopy over arrangement over the front bay and door. On balance it is not considered that these additions would give rise to significant visual impacts that would warrant refusal.

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.

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: NA-B03 Proposed elevations received by the City Council as local planning authority on the 7th June 2021, NA-B02 Proposed floor plan received by the Council as local planning

authority on the 13th June 2021; NA-B01 Proposed floor plan as received by the Council as local planning authority on the 26th 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 extension hereby permitted shall be similar in appearance to those used during the construction of the original dwellinghouse in type, size, colour and texture, the shed shall be constructed of materials as indicated on the approved drawings and application forms.

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 first occupation the windows in the ground floor side elevation and first floor rear elevation of the extension shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

5 Milburn Avenue, Manchester, M23 0FB
15 Barry Road, Manchester, M23 0FH
6 Milburn Avenue, Manchester, M23 0FB
13 Barry Road, Manchester, M23 0FH
4 Milburn Avenue, Manchester, M23 0FB
1 Milburn Avenue, Manchester, M23 0FB

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
Area Team Boundary - Name: SOUTH