

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129398/FH/2021

Date registered valid: 24 February 2021

Proposal: Part retrospective erection of two storey side extension, part single part two storey rear extension, front porch and installation of rear dormer and hip to gable conversion

Address: 58 Kearsley Road, Manchester, M8 4GF

Ward(s): Crumpsall Ward

Applicant: Mr Mohammed Shabaz 58 Kearsley Road, Manchester, M8 4GF

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

Case officer: Janine Renshaw-Livesey
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Recommendation: Approve

Date of recommendation: 18 May 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 April 2021 Expired: 4 May 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: No

Tree Preservation Order: NO

The application property relates to a two-storey, semi-detached dwelling house which lies in a predominantly residential area in the Crumpsall Ward of North Manchester. The property has an existing single storey extension and side garage to be demolition.

The submitted application seeks planning permission for a two-storey side extension, part single part two storey rear extension, front porch and installation of rear dormer and hip to gable conversion. The ground floor single storey extension projects 3.9m and spans the entire width of the host property and measure 3m at the widest point from the gable and diminishes in width towards the rear. The first-floor rear extension measures 3m x 2.3m and the first-floor side extension measures 3m x 8m. The dormer measures 2.1m x 6m.

A site visit was conducted which revealed that elements of the dormer extension were under construction. Parts of the roof had been removed and timber dormer cheeks were in situ and the single storey outrigger extension had been demolished.

There is no previous planning history at the address.

Negotiations

The original drawings submitted for the application were considered to be unacceptable and amendment to the proposal were required to mitigate the harm on the surrounding properties.

The amendments required were submitted and a neighbour re consultations took place. The amendments to the proposal included reducing the size of the dormer to sit within the external parameters of the roof space and reducing the ground floor rear projection from 5 metres to 4 metres and pulling away the first-floor extension from the adjoining property. Furthermore, the first-floor corner extension was removed from the common boundary between the non-adjoining property and a larger setback at front first floor level were incorporated into the proposal.

Consultations & Notification Responses

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and objections to the proposal were received and the details are outlined below:

The first round of representations received in response to the proposal included 3 letters of objection. The details are as follows;

- o The proposal is too large and would overshadow surrounding garden and patio areas and the extension would compromise privacy for the occupiers of surrounding proprieties.
- o The visual appearance of the extension would be out of keeping with the character of the area.

Due to receiving amended plans the occupiers of the surrounding properties were re consulted and one neutral letter was received raising concerns relating to the increases of bedrooms at the property may have a detrimental impact on parking demands within the area and should this proposal be accepted a precedent would be set and the long term impact on car parking within the area would be affected.

Three objection letters were received in response to the amended plans. The issues raised are as follows;

- o The revised plans have not really changed and do not show the full scale of the rear extension.
- o The reduction in size and repositioning of the rear extension does not address the issues of overshadowing of the neighbouring properties and as a result would block natural light.

The issues raised by local residences will be discussed within the body of the report.

Issues

POLICIES

UNITARY DEVELOPMENT PLAN SAVED POLICIES

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 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)

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 (5ft) 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.

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.

8. 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):

- o 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;
- o 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

o 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.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

c) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

d) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Chapter 9. Promoting sustainable transport

102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Chapter 12. Achieving well-designed places

124. 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.

LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (Adopted 11 July 2012)

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.

CITY COUNCILS GUIDE TO DEVELOPMENT IN MANCHESTER 2: Supplementary Planning Document and Planning Guidance Adopted April 2007. The Guide aims to support and enhance the ongoing shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester. Part 1 of the Supplementary Planning Document, Chapter 2 Design, Character and Context: A place with its own identity, paragraph 2.3 states the following;

2.3 'A high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Different parts of the City, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area. This should be demonstrated in planning submissions by way of design statements and where appropriate, visual means such as models and photomontages.

Principle

It is considered the proposed development is acceptable in terms of the National Planning Policy Framework (NPPF), the adopted Unitary Development Plan for the City of Manchester, including policies DC1, and Manchester's Core Strategy, including policy DM1.

Design/ Siting is considered acceptable. The proposed extension respects the proportions of the existing house, and the fenestration is of the same dimensions as those on the existing elevations. The materials to be used would match the materials of the existing property and a condition to that effect would be attached to any consent granted. The siting is considered acceptable.

Residential Amenity

It is not considered that the proposal would have a detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties. The reason being that the first floor rear element of the extension would project 3 metres from the rear of the property and due to the amendments to the original scheme a 3 metre gap and a hip roof has been introduced to mitigate harm in terms of potential shadowing on the neighbouring property no 60 Kearsley Road. The ground floor rear extension has also been reduced by 1m and incorporates a sloping roof which reduced in height away from the rear elevation of the dwelling house. Further, mitigation from potential detrimental impact exists in terms of a dividing fence that shrouds the single storey rear extension. Therefore, due to the height, scale and massing of the rear extension and due to its orientation of the neighbouring building it is considered that it is unlikely that significant shadowing that would impact on the neighbouring properties significantly enough to warrant refusal of the proposal in particular the neighbouring properties no 60 Kearsley Road.

The two storey side extension has been significantly reduced in size and now terminates at the original wall of the dwelling house and a gap introduced measuring 750mm between the common boundary which increases the distance between the neighbouring properties gable with no 56 Kersley Road which also has two storey side and rear extension. The removal of the two-storey corner element of the proposal has reduced the impact of the extension on the non-adjointing property considerably and consideration has been given to the potential impact in terms of shadowing of the neighbouring property. The orientation of the proposed extension and the overall reduction in the height, scale and massing especially at first floor level would be sufficient to cause undue harm and therefore, is considered to be acceptable.

The two-storey rear extension and the dormer extension would allow occupation of built form that is closer to the rear of the properties that back on to the application site. However, given, that a minimum distance of over 20 metres is maintained between the extension and the rear elevation of the properties on Saxon Avenue, it is considered that there would be adequate distance to mitigate against and harm caused by overlooking and therefore, is considered to be acceptable.

There would no windows inserted on the side elevation and the first-floor rear study window would be obscurely glazed as part of the proposal. The rear window arrangement mimics the existing. As such it is not considered that there would be an issue with overlooking or loss of privacy. The application site sits on a rectangular plot, although the extension would bring built form closer the rear boundary the distance from the extension to the dwellings at the back and sides of the application site would not give rise to any cause for concern as it would have no detrimental impact.

It is considered that the proposal is acceptable in residential amenity terms, and in accordance with policies DC1 and DM1. Even following development there would still be a large area of usable outside amenity space will be retained, in accordance with policies DC1 and DM1.

During the application process the applicant completed the dormer extension against the advice of the planning department as concerns were raised initially that the dormer would not comply with developments rights as it appeared that the cheeks of the dormer were being constructed from the rear and side elevation of the dwelling house and changes would be necessary to improve the aesthetics of the dormer and bring this part of the proposal in accordance with permitted development rights. The applicant provided drawings that depicted a hip to gable roof extension and a dormer and provided photographs of the dormer construction that appear to comply with the drawings provided.

Visual Amenity

It is not considered that the proposal would have a detrimental impact upon the visual amenity of the neighbouring properties, nor the area within which it is located. The extension would remain subservient to the existing property, and the materials to be used would match those of the existing property. Concerns raised by a local resident regarding the visual appearance of the extension would be out of character with the area has be considered and due the attempts by the applicant to improve the visual appearance of the dormer by setting back it back from the edge of the existing roof and the external cladding matching the recently tiled roof it is considered that the proposal in terms of its visual appearance is not out of character within the area and is therefore acceptable. The 2-metre set back at first floor level and the lowering of the roof of the extension results in the extension appearing subservient and is therefore considered to be acceptable.

The front porch is permitted development. However, the design and appearance of the porch does not detract from the architecture of the host building or from within the street scene and there is no undue harm on the visual amenity, and the proposal accords with policy.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the agent in a positive and proactive manner by requesting further information and drawings relating to the scheme and appropriate conditions to the approval have also been attached.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

MS-PP-02, stamped as received on the 20 April 2021, and the Location Plan, stamped as received on the 15 February 2021 and the dormer detail MS-PP-04, stamped as received on the 18 May 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.

2) The external facing materials to be used on the extensions hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale.

Reason - To ensure that 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 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

3) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved MS-PP-02, stamped and received by the

City Council as Local Planning Authority on the 20 April 2021 and MS-PP-04, stamped as received on the 18 May 2021.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

4) Prior to the first occupation of the development, the first floor bathroom and study shown on drawing referenced MS-PP-02, stamped as received by the city council as local planning authority on the 20 April 2021, 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 properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5) Within two months of the date of this permission, the unauthorised works shall be removed and alterations carried out so that the dormer structure constructed is in accordance with drawing numbered MS-PP-04 , stamped as received on the 18 May 2021 and MS-PP-02, stamped as received by the City Council, as Local Planning Authority, on the 20 April 2021, which show the dormer to be clad in tiles to match the roof.

Reason - To ensure that the works needed to reduce the impact of the structure are carried out in an acceptable period of time, and In the interests of the character and appearance of the dwellinghouse and surrounding area,, 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.

Appendix 1 – List of consultees & neighbours notified

6 Saxon Avenue, Manchester, M8 4QH
4 Saxon Avenue, Manchester, M8 4QH
2 Saxon Avenue, Manchester, M8 4QH
56 Kearsley Road, Manchester, M8 4GF
8 Saxon Avenue, Manchester, M8 4QH
10 Saxon Avenue, Manchester, M8 4QH
57 Kearsley Road, Manchester, M8 4GH
55 Kearsley Road, Manchester, M8 4GH
53 Kearsley Road, Manchester, M8 4GH
60 Kearsley Road, Manchester, M8 4GF

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
Area Team Boundary - Name: NORTH1