

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130040/FH/2021

Date registered valid: 14 April 2021

Proposal: Erection of first floor rear extension to form additional living accommodation

Address: 25 Brook Avenue, Manchester, M19 3DQ

Ward(s): Levenshulme Ward

Applicant: Mr Ashfaq Ahmad Mcr Property maintenance and construction services 138 Craig Road, Manchester, M18 7GN

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 July 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: Photograph of the rear of the property provided by the applicant.

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 May 2021 Expired: 17 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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is located in an area, which predominantly comprises of terraced houses of a red brick and pitched slate roof construction. The external areas are characterised by shallow front garden with low walls and walled rear yards. The application property is situated at the end of a terrace that is abutted by its gable elevation. An alleyway runs to the side and rear of the property and is gated. The application site runs from west to east. The rear yard has length of 11.25 metres. The rear of the application property comprises of a 7 metre long flat roof rear extension with a height of 3 metres and width of 2.5 metres. It is adjoined by a single storey extension with a maximum height of 2.5 metres, length of 2.8 metres, width of 2.1 metres and positioned 1.5 metres from the rear boundary wall. The 1.8 metre space between the side wall of the large single storey extension and the western boundary wall is currently in-filled a conservatory with a shallow pitched lean-to roof; details of the conservatory have not been shown on the submitted drawings. The conservatory was in-situ when previous planning application ref: 112387/FH/2016/N2 was considered.



Fig. 1 – Rear of the application site

Description of development

The proposed development replicates planning permission ref: 112387/FH/2016/N2, which was approved on 2 August 2016 and expired without commencement of works. The applicant has indicated that the side elevation to existing single storey flat roof extension is positioned adjacent to the dividing boundary wall with No 27. The proposed extension would rise at first floor level so that its eaves correspond to the height of the existing eaves. The height of the proposed extension would rise to form a pitched roof with an apex of 6.5 metres above ground level, i.e., 0.84 metres above the eaves. The proposed extension would have a rearward projection of 3 metres and width of 2.5 metres. Windows would be located on the rear elevation. The extension would allow the formation of an additional bedroom bring the total number of bedrooms to three. The adjoining rear elevation to No 27 incorporates a plain section of brickwork with a distance of 2.8 metres maintained between the side elevation of the proposed extension and the nearest first floor window (to No 27).

Consultations & Notification Responses

Local residents - No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development.' In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless 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.

The Framework has been related to the proposed development, with emphasis given to the following:

- i. Chapter 12: Achieving well-designed places - States that 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 (paragraph 124). Paragraph 127 further states that planning decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and 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).

The proposed development has been appropriately related to the existing house and neighbouring housing. It is not considered that the development would impact upon neighbouring houses. It is considered that the quality of design has been appropriately related to the existing house to thereby accord with chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG:

- i. Consultation and pre-decision matters (ID:15);
- ii. Design (ID:26) - Good quality design is considered to be an integral part of sustainable development;
- iii. Health and well-being (ID:53).

In this case, appropriate neighbour and statutory consultation had been undertaken. The design is satisfactorily related to the original house. The proposed extension would not unduly harm residential amenity. The above sections of PPG would therefore be satisfactorily responded to.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

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:

- a. 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;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. 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.

It is considered that, although the development would presents a complementary design that would be appropriately to the character of housing in the locality, improve the quality of the existing accommodation to meet changing household needs and maintain existing levels of residential amenity within the area. It would thereby accord with policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment.

In this case, it is considered that the quality of the proposed design would respond positively to the existing built form and achieves a cohesive design response that relates strongly to the character and proportions of the host building. The development would thereby accords with policy EN1.

Policy EN18 Contaminated Land and Ground Stability - Requires an assessment be made of the potential health risks associated with contaminated land. In this case no known issues have been identified and the development would occur above ground level.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

In this case, the existing waste and recycling storage arrangements would be unaffected by the proposed development.

Policy DM1 - 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. Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health.

It is considered that the development would be appropriately related to its context in terms of design, potential impact on residential amenity and retained arrangements for waste storage. Policy DM1 would thereby be accorded with.

Unitary Development Plan saved policies - The following policies are considered to be relevant:

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. 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 the original buildings);
- b. They do not create an 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 street scene by virtue of design, use of materials or constructional details;
- d. They would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve, amongst other things, rearward extensions greater than 3.65m (12 ft) in length.

It is considered that the proposed development responds positively to saved UDP policy DC1, in that it would improve the living environment for the residents and thereby their well-being and continued occupation of the house. The development would not be unduly large and appropriately related to the existing house. It is not considered that the development would undermine the residential character of the area and any impact on the neighbouring property

would be limited by the modest scale of the development. It is considered that the development would enhance the appearance of the house.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to ensure that each new development is designed having full regard to its context. In this instance, it is considered that the proposed development would not accord with relevant sections of the Guide relating to the impact of the proposals on the local built environment, design and appearance.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

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. In this case, the principle of development was considered to be acceptable. The development has been related to the previously approved details and there has been no change in local circumstances to affect the consideration of the development. Satisfactory information has been provided to allow the application to be assessed without a requirement for further negotiation.

Principle of development - Saved UDP policy DC1 acknowledges that residents may wish to adapt their houses to meet changing needs. However, the impact of such adaptations and extension need to be assessed to ensure that, the scale, magnitude and relationship of new development to its context. The existing single storey extension and adjoining rear outbuilding do not benefit from planning permission but has been in situ for a period exceeding 4 years. The adjoining conservatory was in place when application ref: 112387/FH/2016/N2. As such these additions would be exempt from enforcement action and can therefore be retained within the application site. The proposed first floor extension would not result in any further loss of the open yard area and would be appropriately related to its context. The principle of the development was previously considered to be acceptable and remains so.

Use – The applicant has confirmed that the property is not in use as house in multiple occupation.

Siting - The proposed extension would be related to the width parameters if the existing ground floor extension would not, thereby, result in any encroachment beyond the shared boundary with No 27. The proposed 3 metre rearward projection would be significant within the context of terraced housing. The nearest first floor bedroom window to No 27 would be positioned 2.8 metres from the proposed side wall of the extension and given its orientation this (neighbouring) window would not be unduly affected by the development. The impact of the rearward projection at first floor level would be offset by the position of an existing lean-to extension to No 27. On this basis, it is considered that the siting of the proposed extension would be acceptable.

Height, scale and massing - The proposed shallow pitched roof would not significantly project beyond the eaves level of the original roof thereby reducing the impact neighbouring properties. The formation of a central pitch would provide sufficient detailing to ensure a cohesive relationship to the existing roof. The formation of rear window secures limited but sufficient

detailing to the elevational treatment. The composition of the proposed development would there be acceptable.

Design - It is considered that the proposed extension has been appropriately related to the original dwellinghouse and its context. It is considered that the extension would be a proportionate addition to the dwellinghouse with a cohesive visually cohesive relationship to existing built form secured through a condition to ensure that the use of matching materials.

Residential amenity - For the reasons set out above it is not considered the proposed development would unduly affect the residential amenity to No 27 and the neighbouring No 23 would not be affected due to the position of an adjacent alleyway. Conditions have been related to the proposed development to prevent the insertion of windows into the extension other than those shown on the approved drawings. A condition to secure that appropriate using of materials has also been recommended. On this basis, the development is considered that the development would be acceptable.

Bin storage - The existing arrangements would be maintained, i.e., communal waste storage in the alleyway.

Land conditions - No known adverse land conditions have been identified. In any event the development would not involve ground works.

Flood risk - The application site lies in Flood Zone 1 and is thereby not unduly affected by the risk of flooding.

Conclusion - On balance, it is considered that the proposed extension would be appropriately related to the existing building and its context. It is also considered that the proposal would not unduly affect residential amenity.

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. In this case, the

principle of development was considered to be acceptable. The development has been related to the previously approved details and there has been no change in local circumstances to affect the consideration of the development. Satisfactory information has been provided to allow the application to be assessed without a requirement for further negotiation.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on 14 April 2021: Householder planning application forms; Site location plan with a red edge; Proposed and existing floor plan and rear elevation and Proposed and existing elevation and floor plans.

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 for the City of Manchester.

3) The materials to be used in the construction of the extension hereby approved, including bricks and roof tiles, together with the method of coursing and pointing, shall match the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester

4) 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 shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawing referenced: Proposed and existing floor plan and rear elevation and Proposed and existing elevation and floor plans.

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

Appendix 1 – List of consultees & neighbours notified

25 Brook Avenue, Manchester, M19 3DQ
29 Brook Avenue, Manchester, M19 3DQ
23 Brook Avenue, Manchester, M19 3DQ
30 Cuthbert Avenue, Manchester, M19 3DG
26 Cuthbert Avenue, Manchester, M19 3DG
24 Cuthbert Avenue, Manchester, M19 3DG
28 Cuthbert Avenue, Manchester, M19 3DG
30 Brook Avenue, Manchester, M19 3DQ
28 Brook Avenue, Manchester, M19 3DQ
27 Brook Avenue, Manchester, M19 3DQ
26 Brook Avenue, Manchester, M19 3DQ
24 Brook Avenue, Manchester, M19 3DQ

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH2