MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130208/PDE/2021
Date registered valid:	26 April 2021
Proposal:	Prior notification of proposed larger home extension projecting 6m to the rear with a maximum height of 3m and a height at eaves of 3m
Address:	22 Fairview Avenue, Manchester, M19 2AN
Ward(s):	Rusholme Ward
Applicant:	Globe Equities Ltd 22 Fairview Avenue, Manchester, M19 2AN
Agent (if any):	Mr Muthahar Khan Studio Tashkeel Arcitecture 89 Princess Street, Manchester, M1 4HT
Case officer:	Adam Neil Tel: 0161 234 4531 Email: adam.neil@manchester.gov.uk
Recommendation:	Refused extension - GPD

Date of recommendation: 7 June 2021

Application details

Type of application: General Permitted Development-Extensions

Development type: Notifications

Date of site visit: 3 June 2021

Standard consultations:
Printed: 13 May 2021 Expired: 13 May 2021

Neighbour notifications
Printed: 13 May 2021 Expired: 3 June 2021

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: Yes

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area, site and proposal

The property is the right-hand side of a pair of semi's; the pair of No. 22 and No.24 are situated on the northern side of Fairview Avenue which is a cul-de-sac terminating to the west with a large inclined tree lined bank that leads to the railway line. Each of the properties in the pair and indeed those along the frontage have a small front garden. Access to the rear of the application property is via a small passage to the eastern elevation which runs parallel to a similar access at No. 20.

The area is residential in nature with the properties of the cul-de-sac comprising of semi-detached houses. At the rear of the properties many have small brick outbuildings that span the boundary with the neighbour, although this has demolished in the rear garden of No.22, leave the exposed brick of the remain half of that original outbuilding at No.20. The rear of the property has a small bay projection at ground floor which is replicated on No.24 and spans the boundary; this is a typical feature of the rear of these properties.

The rear garden is not large, even with the now demolished outbuilding providing extra amenity space, this being only around 9m in length towards the dividing fence with No.23 Old Hall Lane. To the rear some properties on Old Hall Lane have trees in their rear garden, but these are significantly spaced apart to prevent any barrier to light.

The proposed extension is submitted under the prior approval route as set out in Schedule 2, Part 1 of Class A, specifically at paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is to extend the house by 6m to the rear with a maximum height of 3m and a height at eaves of 3m.

Consultations & Notification Responses

In accordance with paragraph A.4(5) of the above-mentioned Order, each of the adjoining neighbours were notified of the proposal by letter dated 13 May 2021, with a deadline for responses being 3 June 2021.

One objection has been received and this is summarised as follows:

- concerned about the size and proximity of the proposed development;
- no information available about the appearance of the extension or whether there will be windows overlooking gardens and rear rooms;
- *windows and door so close and looking directly onto our properties;
- *a plain brick wall view for 24 Fairview which will block out any sunlight for them until very late afternoon at best*
- *unnecessary intrusion into the relative privacy and enjoyment of neighbouring properties and of absolutely zero design integrity

In advising the agent of an objection and the need to make a site assessment, it was noted that the only plan submitted with the proposal was that of a site plan; the agent was therefore invited to submit detailed elevation drawings of the proposal and these would be taken into account when assessing the impact. These additional drawings were received on the afternoon of 3 June 2021 an were uploaded to the Council's website. The impact of the proposal is therefore based on the details submitted with the application on 26 April 2021, together with the additional elevation plans received on 3 June 2021 and matters noted during the site visit on 3 June 2021.

*comments received after elevations plans received from agent.

Policies

Prior Approval

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class A, Part 1, of Schedule 2 and having regard to paragraph A.4(9) as to the level of consideration afforded to impact on amenity.

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 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 car parking problem that unacceptable additional pressures would be created

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

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.

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 needs.

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):

- 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;

- 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

- 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 areas, 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 area; 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-date, 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 proposed; 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 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.

Issues

The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely based on its impact on the amenity of any adjoining premises - taking into account any representations received.

The proposed extension is a departure from the Development Plan, the Council's policy permitting extensions up to 3.65m; this exceeding that by 2.35m. However, it meets the requirements governing larger house extensions under the amended 2015 Order.

The rear garden of No.22 is not overly large, projecting from the rear of the house by only around 9m; the neighbouring gardens at No. 20 and No. 24 are of comparable length, as is the rear garden of No.23 Old Hall Lane with which it shares the majority of its rear boundary. The proposed extension is shown as occupying the full width of the rear elevation of the dwelling on the site plan originally provided, although the subsequently submitted elevation plans show this stepping in slightly from the boundary with No.24 at around 300mm.

The proposed measurements stated in the application form and elevation plans show the extension to have a flat roof at 3.m high – this is approximately the height of the existing bay window that spans the boundary with No.24 as measured during the site visit. The plans do not make it clear how the bay with No. 24 will be finished and whether or not this is to remain as part of the property boundary or if this will be incorporated with the extension, even through a 300mm step-in from this boundary is implied.

The 6m rearward projection extends the first two full panels of the existing dividing fence with No.24 and part of the third and this likely being the most used part of the rear garden area at No. 24 as the rear bay window has been replaced with double outward opening doors. Although shown on the elevation plans to be slightly stepped in from this boundary, the extension would still rise significantly above the boundary fence and, given the relatively short garden would dominate the most used part of the garden area at No. 24; consequently it will likely reduce sunlight and daylight considerably later in the day, given the northern facing rear garden. The overbearing 6m long 3m high blank wall of the extension, would make the room to the rear of the house appear dark and gloomy and generally less pleasant to use.

Whilst inset from the boundary with No. 20 Fairview Avenue and part of the extension being obscured by the remaining part of the original brick outbuilding, a proportion of the extension would still be visible; although this would be less dominant to those occupiers of No. 20, it would still appear out of proportion given the modest sized rear garden.

The large scale and bulk of the extension will be overly dominant and a visually intrusive feature that would fail to be subservient to the original dwelling – it will occupy 66% of the views along the boundary with No.24. The extension will provide an inadequate rear amenity space for occupiers of the host property, utilising over 50% of the rear garden and leaving only a small 3m yard area adjacent to the rear boundary with No.23 Old Hall Lane; a long path running to the side of the house with No.20 will be functional only for storage of refuse containers and providing a means of access. For these reasons the proposed extension is unacceptable in terms of its appearance and would be detrimental to visual and 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 polices 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: Refused extension - GPD

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

Manchester City Council confirms that objection(s) have been received and the City Council has therefore assessed the impact of the development on the amenity of all adjoining neighbours.

The Council believes that the development would impact on the residential amenity of the neighbours at No. 24 Fairview Avenue, as the proposed rearward projection of 6m would have an overbearing presence and create an oppressive sense of enclosure. The extension would rise significantly above the boundary fence and, given its depth, would dominate the most used part of the garden area at No. 24 and consequently it will likely reduce sunlight and daylight considerably, given the northern facing rear garden and the path of the rising and setting sun.
The overbearing 6m long and 3m high blank wall of the extension, would make the room to the rear of the house appear dark and gloomy and generally less pleasant to use. Whilst less dominant to the occupiers of No. 23 Old Hall Lane, it would still appear out of proportion and overbearing, sitting only 3m away from the rear boundary fence, making their garden space a less pleasant space to use.

The proposed extension is considered to be unacceptable in terms of its scale and massing and would be detrimental to visual and residential amenity within the area, contrary to saved Unitary Development Plan Policies DC1.1, DC1.2, DC1.3, and policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

24 Fairview Avenue, Manchester, M19 2AN
20 Fairview Avenue, Manchester, M19 2AN
23 Old Hall Lane, Rusholme, Manchester, M19 2AJ
21 Old Hall Lane, Rusholme, Manchester, M19 2AJ
25 Old Hall Lane, Rusholme, Manchester, M19 2AJ

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: SOUTH

Site Visit Photos – 3 June 2021





Site Visit Photos – 3 June 2021

