MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	129834/FH/2021
Date registered valid:	25 March 2021
Proposal:	Erection of part single, part two storey side and extension to form additional living accommodation
Address:	42 Colindale Avenue, Manchester, M9 6JD
Ward(s):	Charlestown Ward
Applicant:	Emma Whittall 42 Colindale Avenue, Manchester, M9 6JD
Agent (if any):	Mr Gary Walker 18 Brightsmith Way, Swinton, Manchester, M27 9GE
Case officer:	Eve Woolstencroft Tel: 0161 234 4533 Email: eve.woolstencroft@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	17 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: 26 March 2021 Expired: 16 April 2021

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a two storey semidetached dwelling house located in a predominately residential area in the Blackley area of North Manchester. The property benefits from a front garden with associated boundary treatment and 1 off street parking space

Description of Development

The submitted application seeks planning permission for the erection of part single, part two storey side and extension to form additional living accommodation. The proposed two storey side extension would be set back at both first floor and ground floor by 1 metre and would occupy the full depth of the original house and have a width of approximately 2 metres.

Consultations & Notification Responses

Local residents were notified however no responses were received.

Environmental Health - recommendation of a Gas Membrane Condition

Policy

Unitary Development Plan

Saved Policy 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).

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.

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 (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, the NPPF states that `at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should 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 or specific policies in this Framework indicate development should be restricted

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

Issues

Visual and Residential Amenity
The proposed two storey side set back by one metre from the front of the property at both ground and first floor. Due to the narrow gap to the shared boundary and the uniform building line between the non-adjoining neighbouring properties, the one metre set back is not considered to mitigate concerns. The proposed 2 storey side extension has the potential to have a detrimental impact upon residential and visual amenity upon the existing property and adjacent semi-detached property no. 40 Colindale Avenue in terms of reducing any potential development gap between the semi-detached houses, which is capable of being shared equally by the owners or occupiers of the two properties concerned.

The 2-storey extension would also result in a terracing effect between the properties of no. 42 and 40 Colindale Avenue, which would result in a poor visual relationship between the two properties and development that is unsympathetic to the character of the street.

The proposal therefore does not comply with the City Councils 'Saved Unitary Development Plan Policy DC1.4' which states, in considering proposals for 2 storey side extensions' 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.

Overall the proposal is considered to be unacceptable and will have a detrimental impact upon the existing property and the character of the general area in terms of visual and residential amenity.

Relevant Appeal Decisions
It is considered that the following Planning Inspectorate dismissed appeal decisions are relevant to this site, due to the issues of terracing, narrow gaps to shared common boundaries and visual amenity. The following cases are: -

Appeal Ref: APP/B4215/D/19/3220180 - 3 Chauncy Road
In this case the Inspector makes reference in paragraph 8 of the appeal decision that the; "appeal proposal would bring No 3 much closer to No 5 creating a narrow gap, resulting in a moderate terracing effect. Although a gap to the common boundary would remain from No 5, this would not be sufficient enough in itself to preserve the existing semi-detached character of the properties"

Appeal Ref: APP/B4215/D/19/3196802 - 4 Carnwood Close
In this case the Inspector makes reference in paragraph 6; "that the proposed two storey extension would not allow a gap to be shared equally between Nos 4 and 6" and further goes on to state "…not aware of any scheme to extend No 6 to the side nearest No 4, but the potential result of both dwellings extending in the same manner as that proposed in this appeal would be a terracing effect at ground and first floors. This would be an unsatisfactory visual relationship between the two properties in a street that is characterised by gaps in-between each property…"

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: Refuse

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 a solution that was acceptable to both the Local Planning Authority and the agent/applicant could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed two-storey side extension by virtue of its design, siting and size would have a detrimental impact on visual amenity and the character of the street scene. The resulting appearance would be an extension which will have an inadequate relationship with number 40 Colindale Avenue, due to the development gap being unable to be shared, resulting in a terracing effect. The proposal will be out of character with the street scene and will have a negative impact on visual amenity which is contrary to the provisions of saved policy DC1 Of the Unitary Development Plan for the City of Manchester (1995), policies SP1 and DM1 of the Manchester Core Strategy (2012) and the Guide to Development in Manchester SPD.

Appendix 1 – List of consultees & neighbours notified

14 Edgefield Avenue, Manchester, M9 6JB
12 Edgefield Avenue, Manchester, M9 6JB
44 Colindale Avenue, Manchester, M9 6JD
39 Colindale Avenue, Manchester, M9 6JD
38 Colindale Avenue, Manchester, M9 6JD
37 Colindale Avenue, Manchester, M9 6JD
33 Colindale Avenue, Manchester, M9 6JD
10 Edgefield Avenue, Manchester, M9 6JB
40 Colindale Avenue, Manchester, M9 6JD
35 Colindale Avenue, Manchester, M9 6JD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1