MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127682/FO/2020
Date registered valid:	7 September 2020
Proposal:	Retrospective application for the erection of a part single part two storey rear extension following the removal of the existing bay at first floor level
Address:	70 Brailsford Road, Manchester, M14 6PU
Ward(s):	Fallowfield Ward
Applicant:	Mr Elliott Ross Tiger Property 722 Wilmslow Road, M20 2DW
Agent (if any):	Mr David Slater 51 Higher Shady Lane, Bolton, BL7 9AQ
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	18 February 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 September 2020

Standard consultations:
Printed: 11 September 2020 Expired: 2 October 2020

Neighbour notifications
Printed: 18 November 2020 Expired: 9 December 2020

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 development relates to the rear of a 2-storey pitched roof terraced house with a wall enclosed rear yard. The former railway embankment forming part of the Fallowfield Loop is located to the south of the site. The surrounding area has a significant number of HMOs accommodation. It is understood that the property has been used as a small scale HMO for a number of years and this use was in place at the time that planning permission 101611/FO/2013/N2 was approved on 27 November 2013.



Fig. 1 – Rear of the application site.

Description of development

The development replicates the details approved under planning permission ref: 101611/FO/2013/N2 and comprises:

i. A part two, part single storey rear extension adjoining the rear southern elevation of the original 2-storey outrigger. In each element incorporates a lean-to roof. An overall rearward projection of 3 metres has been formed following the incorporation the single storey extension into the yard wall adjacent to the neighbouring gated alleyway.

ii. The 2-storey extension would have a maximum height of 6.7 metres with eaves at 5.7 metres. The rearward projection is 1 metre and a window has been formed in the rear elevation.

iii. The single storey elevation has a maximum height of 3.4 metres and eaves at 2.5 metres with a 2 metre rearward projection.

iv. The two parts of the extension would have a width of 3.1 metres to match the width of the existing outrigger.

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – No objection. The application site is adjacent to an old railway cutting, and it is unlikely to give rise to landfill gas emissions.

Electricity Northwest – Have advised the development is close to a substation and care should be taken when undertaken in the area to safeguard neighbouring infrastructure. These comments have been included as an informative.

Sustrans – 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' 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.

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

i. Chapter 5 Delivering a sufficient supply of homes - States that to support the Government's objective of significantly boosting the supply of homes, it is important that: a sufficient amount and variety of land can come forward where it is needed; the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 59). In this case, the development would increase the intensity of occupation but would retain the property in Class C4 use and would improve the quality of the accommodation to meet the requirements of the Housing Act. The development has thereby been appropriately related to chapter 5.

ii. 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). The development has allowed the removal of an incongruous bay addition. The considered development has been appropriately related to the appearance of the dwellinghouse. The development thereby accords 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. On balance, the development accords with the following aspects of the PPG:

i. Consultation and pre-decision matters;
ii. Design;
iii. Health and well-being;
iv. Noise.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 (`the Core Strategy') was adopted by the 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 SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

i. The creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment;
ii. Ensuring that the proposed development has regard to the character, issues and strategy for each regeneration area.

The following principles as set out in policy SP1 and relevant to the proposal are:

i. The development should make a positive contribution to neighbourhoods of choice including:
a. creating well designed places that enhance or create character.
b. making a positive contribution to the health, safety and wellbeing of residents
c. considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
d. protect and enhance the built and natural environment.
ii. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

On balance, it is considered that the design has been appropriately related to the existing property and the surrounding area. The development has also delivered improvements to the quality of the accommodation and is therefore considered to be satisfactorily related to policy SP1.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

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

In this case, the property has maintained access to communal waste facilities in the alleyway thereby ensuring compliance with policy EN19.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

i. The impact of the development on the character of the surrounding area;
ii. Effects on amenity, including privacy, noise and traffic generation;
iii. Community safety and crime prevention;
iv. Design for health;
v. Adequacy of internal accommodation and external amenity space;
vi. Refuse storage and collection;
vii. Vehicular access and car parking.

As stated, the design and appearance of the extension is satisfactory. A condition has been included to limit the use of the property to Class C4 use to give certainty regarding future level of occupation. The development has not appreciably affected existing levels of amenity. The

existing waste management arrangements would be retained. On balance, it is considered that the development would be appropriately related to policy DC1.

Unitary Development Plan saved policies - The following policy is relevant:

Policy DC1 - Residential Extensions

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 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 street-scene;
e. The effect of the loss of any on-site car parking.

Policy 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 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 streetscene 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.

Policy DC1.3 - Sets out the circumstances whereby, notwithstanding the generality of the above policies, the Council will not normally approve planning permission for residential extensions. The relevant aspects in this case are the extent of rearward extensions and the potential impact on privacy.

It is considered that the proposed development would be a proportionate addition to the property. The proposed height is not excessive and the siting utilises a previously under used part of the rear yard. On balance, it is considered that the proposed development would comply with saved policy DC1.

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 the sort of development that is wanted in Manchester. It is considered the proposed development accords with the relevant sections of the guide, particularly with regard to design and amenity.

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

applicant has been required to provide further information concerning the implementation of an upper floor roof extension and its commencement as a separate building operation under permitted development. Details have also been provided to show that 2 additional bedrooms have been formed providing 6 bedrooms in total thereby retaining the use of the property as a small scale house in multiple occupation (Class C4). This information has allowed the application to be fully and appropriately assessed.

Principle of the development – This was established through the approval of 101611/FO/2013/N2 alongside the use of the property as a Class C4 HMO; reflected in the related condition No 3. The applicant has provided further information concerning the implementation of an upper floor roof extension and its commencement as a separate building operation under permitted development. Details have also been provided to show that 2 additional bedrooms have been formed providing 6 bedrooms in total. The property would thereby be retained as a Class C4 HMO. The application is specifically related to the implemented rear extension, which continues to be acceptable.

Class C4 use – As stated a condition has been included to relate the property to Class C4 occupation by between 3 and 6 people. This approach give certainty regarding the future management of the intensity of occupation.

Height, scale and massing - The proposed extension has a maximum height of 6.5 metres and thereby subservient to the height of the adjoining outrigger. The extension has been sufficiently articulated to reduce its bulk and massing. The addition has some visual impact but remains proportion within the context of neighbouring built form.

Siting – The development has resulted in the loss of open space in the rear yard. However, this space little functional use. The extension is related to open space toe the south of the site. Given the projection and siting of the original 2-storey outrigger, it is not considered that the additional bulk form has significantly impacted on neighbouring housing. This siting of the application extension thereby remains acceptable.

Residential amenity - It is considered that sufficient amenity space would be maintained as bin storage occurs outside the site. The siting the development, given its location and relationship to neighbouring extension, has not had an appreciable impact on neighbouring houses. Window would be related to the rear elevation roof plane and thereby face towards the Fallowfield Loop with no resulting overlooking or amenity issues. A condition has been included to prevent the insertion of windows other than those shown on the approved drawings. The development is thereby considered to be acceptable.

Design - The proposed design is simple and relatively small. It has been appropriately related to the existing building through its roof design and use of matching materials. The extension satisfactorily reflects the character of the existing house. It is therefore considered to be acceptable.

Conclusion - It is considered that the proposed development is acceptable as the development has been appropriately related to the appearance of the existing house without apparent undue harm to 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: 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 applicant has been required to provided further information concern the implementation of an upper floor roof extension and its commencement as a separate building operation under permitted development. Details have also been provided to show that 2 additional bedrooms have been formed providing 6 bedrooms in total thereby retaining the use of the property as a small scale house in multiple occupation (Class C4). This information has allowed the application to be fully and appropriately assessed.

Condition(s) to be attached to decision for approval

1) 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 4 August 2020:

Planning application forms
Location plan with a red edge
Drawing: Building plans, existing / proposed elevations Ref: Drawing No 330/002.

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.

2) 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 the window shown on the approved drawings ref: Building plans, existing / proposed elevations Ref: Drawing No 330/002.

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

3) The authorised extension shall only be used in conjunction with the continued use of the application property as a small scale house in multiple occupation (Class C4) accommodating between 3 and 6 people.

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

Informative

1) The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.
The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given. The documents are as follows:-
HS(G)47 – Avoiding danger from underground services.
GS6 – Avoidance of danger from overhead electric lines.
The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works; the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications. Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website http://www.enwl.co.uk/ourservices/ know-before-you-dig
It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Electricity Northwest
Sustrans

70 Brailsford Road, Manchester, M14 6PU
72 Brailsford Road, Manchester, M14 6PU
68 Brailsford Road, Manchester, M14 6PU
66 Brailsford Road, Manchester, M14 6PU
74 Brailsford Road, Manchester, M14 6PY

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
HS2 Phase 2b Safeguarding Zones - HS2 Phase 2B Safeguarding Zones (July 2017)
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)
Area Team Boundary - Name: NORTH2