

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128994/FH/2020

Date registered valid: 24 December 2020

Proposal: Erection of single storey rear extension following demolition of existing garage.

Address: 50 Cuthbert Avenue, Manchester, M19 3DG

Ward(s): Levenshulme Ward

Applicant: Mrs. Zarina Aslam 50 Cuthbert Avenue, Manchester, M19 3DG

Agent (if any): Mr. Niamat Ali NA Design 47 Egerton Road South, Chorlton Cum Hardy, Manchester, M21 0YW

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation:

Date of recommendation: 26 January 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 January 2021

Standard consultations:

Printed: 4 January 2021 Expired: 25 January 2021

Neighbour notifications

Printed: 4 January 2021 Expired: 25 January 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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Issues

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:

Article 35 Declaration

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed extension would by reason of its scale, massing and position right up to and along the full length of the adjoining boundary with No. 48 Cuthbert Avenue, would form an unduly dominant structure, which would be overbearing and intrusive to the adjoining occupiers. This in turn would have a negative impact upon the amenity of neighbouring occupiers, contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

2) The proposed extension, in combination with the existing extension, would result in overdevelopment, a lack of subservience to the original dwellinghouse and the substantial loss of amenity space. This in turn would have a harmful impact upon the pattern of development in the area, the character of the area and the amenity of existing occupiers. As such, the proposed development is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester and the National Planning Policy Framework (NPPF),

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

54 Mayford Road, Manchester, M19 3DP
49 Brook Avenue, Manchester, M19 3DQ
47 Brook Avenue, Manchester, M19 3DQ
56 Mayford Road, Manchester, M19 3DP
49 Cuthbert Avenue, Manchester, M19 3DG
48 Cuthbert Avenue, Manchester, M19 3DG
46 Cuthbert Avenue, Manchester, M19 3DG
1 Whalley Avenue, Levenshulme, Manchester, M19 3FD
3 Whalley Avenue, Levenshulme, Manchester, M19 3FD
51 Brook Avenue, Manchester, M19 3DQ
60 Mayford Road, Manchester, M19 3DP
58 Mayford Road, Manchester, M19 3DP
47 Cuthbert Avenue, Manchester, M19 3DG

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