

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128874/FH/2020

Date registered valid: 15 December 2020

Proposal: Erection of part single part two storey side and part two storey, part single storey rear extension, installation of rear dormer and front porch extension and elevational alterations to provide additional living accommodation

Address: 11 Mardale Avenue, Manchester, M20 4TU

Ward(s): Didsbury East Ward

Applicant: Imran Anwar, 11 Mardale Avenue, Manchester, M20 4TU

Agent (if any): Mr Ahmed Choudhry, NADA Architects, 169 Kingsway, Burnage, Manchester, M19 2ND

Case officer: Melanie Tann
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Recommendation: Refuse

Date of recommendation: **9th February 2021**

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 17 December 2020

Expired: 7 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

The property is a traditional, two-storey, semi-detached house with gardens to the front and rear. The property is set at an oblique angle on a corner, and has an existing part single, part two-storey side and rear extension.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in character

Description of development

Erection of part single part two storey side and part two storey, part single storey rear extension, installation of rear dormer and front porch extension and elevational alterations to provide additional living accommodation

Consultations & Notification Responses

Local residents – Several letters of objection have been received from one local resident. The main comments are:

- The proposed rear dormer would reduce light into our rear garden by overshadowing the garden in the afternoon, impacting our privacy by allowing full view of our garden and into our rear kitchen/diner through its skylight and side window, and would require access to our property for build and ongoing needs.
- The size and scale of the extension, including the double-storey height portion, is overbearing and would reduce light into our rear garden, allowing full view of our garden

such that we have no privacy whatsoever. The reduction of ground area has real potential to cause excess surface and ground water flooding to cause damage to our property and garden.

- The single-story rear extensions would severely reduce light into our main living areas (living room and kitchen/diner), which both have north facing windows, requiring us to have to use artificial interior lighting at all times. It would make the garden area between the single-story 'play room' extension and our existing kitchen/diner extension so dark it would be unusable. The single-story rear extension 'play room' would also require access to our property for build and ongoing needs.
- The plans are over-bearing and out-of-scale compared with existing properties and other local extensions on Ferndene Road and Mardale Avenue. It would make our house look tiny by comparison and odd. The look of both our properties from the front will become grossly unsymmetrical, which is unsympathetic to the original design of the properties and will look ridiculous. This will be the only property in the local area where this has happened. It will ruin the look of local area and particularly of Mardale Avenue.
- Extending the front profile, extending the roof ridge, extending beyond the front aspect, the extended porch and loss of existing front arched porch, creating a double fronted property, the size and style of the proposed windows and doors to the front facing extension and front facing side door are all out of keeping with the style of all other houses in the local area. Again, this will be the only property in the local area where this has happened. It will ruin the look of the property and the local area.
- The materials proposed are not in keeping with the existing materials. The few details provided in the plans show that, wherever possible, new material to be used will be inferior to those already in place and will worsen the look of the property and street. Some examples include: Replacing original rosemary rooftiles with nonspecific roof tiles, no mention of colour or style. Retaining existing render but rendering new extension. No specific given on rendering material or colour to be used, or whether these will match. No mention of extension brick type, size or if this will be knitted into the existing brickwork. No mention of type, material, or colour of proposed skylights.
- The recently installed gate (2m+ high x 6m wide of solid material) and proposed gate (1.8 high x 6m wide) and railings (1.8m high) are all out of keeping with character of the area. They negatively change the look of the area. They do not provide any security benefits as they can be easily bypassed. They make it harder for the occupiers and visitors of 11 Mardale to use the drive and so they park predominantly on the street. This increases the number of parked cars on the street on a tight road junction, making it impossible for two moving cars to pass each other and therefore making it more hazardous to use the junction and street. In contrast, all other properties in both Ferndene Road and Mardale Avenue have retained the original size of their drive entrance, with appropriate and sympathetically styled gates. They have no issue using their drives and regularly park their cars off the street.
- The combination of all the proposed changes would significantly alter the character and style of 11 Mardale Avenue, to the extent it could no longer be called a 1930s era house. This would make it look out of place and would permanently ruin the look of the street and area.
- It promotes over-development ('garden grabbing') and this application increases the footprint of the house by at least 100%. It would significantly reduce the size of the garden area.
- It promotes the removal of original features and character. It does not maintain any of the attractive original features of the existing property and will be an eyesore when viewed alongside surrounding sympathetically maintained properties.
- It creates a dangerous precedent, allowing further unsympathetic and overbearing development in the area, which will change the look and feel of the neighbourhood permanently.
- It is contrary to significant parts of National and Local planning policy.

- In summary, as the immediate neighbours, we feel this proposed development is unsympathetic, overbearing and entirely disproportionate to the existing plot on which the house sits. Its aim is to maximise the use of land to increase internal square footage, over all other considerations. No thought has been given to the existing attractive aesthetic of these houses and the detriment it will cause to its neighbours or the neighbourhood.
- We are extremely disappointed that our neighbours have not discussed these plans with us, especially as we are on friendly terms and during recent restrictions have all been housebound. They detail work on our shared border and would cause us substantial inconvenience and disruption. To maintain good neighbourly relations, we will make the effort to discuss our concerns with them in person.
- We do understand our neighbours desire to improve their property and would support any work (under permitted development) that would improve the visual amenity of the property, improve the area, would provide benefit to us, or at the very least not impact our enjoyment of our own property.
- In relation to the recently installed gate, we reference ENF/14738/19 and ENF/13777/18 for similar planning decisions made in the local area.

Policies

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).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. 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.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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 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:-

- 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

Principle

As the proposal seeks to extend a residential property policy DM1 and saved policy DC1.1-1.6 are applicable.

Consideration has, however, been given as to whether the scale, massing, design and appearance of the extension is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area.

Scale and Massing

The property has an existing part single, part two-storey rear extension, although there doesn't appear to be any planning history relating to this.

The proposed two-storey side extension would have no setback from the front of the property at either ground or first-floor levels. The proposed two-storey side extension would not be set down from the main roof and would be more than half the width of the main house. It is also proposed to widen the existing two-storey side and rear extension, bringing it closer to the corner of the road and no. 9 Mardale Avenue.

The proposed part single, part two-storey rear extension would have a rearwards projection of 3 metres and 5 metres at ground-floor level and 2.6 metres at first-floor level. The proposed extensions would have hipped roofs above first-floor level and mono-pitched roofs above the ground-floor extensions.

It is also proposed to erect a flat roof dormer to the rear of the original house, which would be the same height as the main house and would be slightly stepped up from the eaves and would attach to the existing two-storey rear extension.

There is an existing solid, sliding gate, which does not benefit from planning permission. It is proposed to install a new sliding gate and fencing along the Mardale Avenue elevation, which would be 1.8 metres high. It is considered that this would not be in keeping with the character of the area and would form a visually obtrusive feature to the detriment of the visual amenity of the area.

This proposal is considered to be excessively large and bulky and would lead to an overbearing impact on both neighbours due to the scale and massing and would not appear as subservient additions to the property, particularly when viewed within the street scene, contrary to saved policies DC1.1, DC1.2, DC1.3, DC1.4 of the UDP.

Residential amenity/visual amenity

The proposed extensions would form an overly bulky, and overly dominant structure due to their poor design, scale and massing and would form an incongruous feature within the street scene. This would also be oppressive and visually obtrusive to neighbouring occupiers on both sides of the proposed development as it be completely out of character with them.

The orientation of the property means that the extensions would be to the south of no. 9 Mardale Avenue and would create some loss of light to windows to the side of their house for a period in the morning.

Conclusion

For these reasons, it is considered that the extensions would have an unacceptable appearance as the resultant house would have a bulky appearance with an overbearing massing and scale to the detriment of neighbouring occupiers. In light of this, the proposed extensions are considered to be unacceptable in terms of their appearance and would be detrimental to visual and residential amenity within the area and views within the street scene contrary to saved policies DC1.1, DC1.2, DC1.3, DC1.4 and policies DM1 and SP1 of the Core Strategy.

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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The proposed development by reason of its scale, bulk, massing, size, design and its relationship to the original house would not be subservient to the main house; would form an overly dominant and visually obtrusive feature within the street scene, and would be incongruous with the character of the area in general, which would also have an overbearing appearance to neighbouring occupiers to the detriment of visual amenity and as such is contrary to saved policy DC1.1, DC1.2, DC1.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

2) The siting and design of the proposed development would be detrimental to the visual amenity and character of the area, and would form an incongruous feature in the street scene and would therefore be contrary to saved UDP policies DC1.1, DC1.2, DC1.3 and DC1.4 and policies DM1 and SP1 of the Core Strategy, and the NPPF.

Appendix 1 – List of consultees & neighbours notified

9 Mardale Avenue, Manchester, M20 4TU
14 Mardale Avenue, Manchester, M20 4TU
7 Ferndene Road, Manchester, M20 4TN
5 Ferndene Road, Manchester, M20 4TN
16 Mardale Avenue, Manchester, M20 4TU
9 Ferndene Road, Manchester, M20 4TN

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH