MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127942/FH/2020
Date registered valid:	11 September 2020
Proposal:	Erection of single storey rear extension with associated raised decking and erection of 2.55 metre high fencing along boundaries with nos. 41 and 45 Milwain Road
Address:	43 Milwain Road, Manchester, M19 2PX
Ward(s):	Burnage Ward
Applicant:	Ms Audrey Whelan 43 Milwain Road, Manchester, M19 2PX
Agent (if any):	Mr stephen Graham Apartment 9 Maple Court, 145-149 Cross Street, Sale, M33 7JW
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	9 December 2020

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:
Printed: 23 September 2020 Expired: 14 October 2020

Neighbour notifications
Printed: 23 September 2020 Expired: 14 October 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:

Tree Preservation Order:

This application relates to a 2 storey, red facing brick semi-detached house in a predominantly residential area. The property benefits from amenity space to the front, side and rear, with a large rear garden that slopes downwards towards Cringle Brook, which lies just beyond the rear curtilage of the property, as is the case with the other properties on this row.

The property has an existing single storey rear conservatory which projects approximately 3.3 metres, from the rear of the property, with an eaves height of approximately 2.7 metres and a height to the apex of approximately 3.8 metres.

It is proposed to demolish this conservatory and erect a single storey extension to the property. It would project approximately 3.93 metres, from the rear of the property with a roof that slopes back towards the main house. The eaves height, of the extension, would be approximately 2.85 metres with a ridge height of approximately 4.05 metres, at the point where it is attached to the house.

In addition it is proposed to erect some raised decking onto the end of the extension, which would be 0.75 metres above ground level and would project approximately 2 metres from the rear of the extension. The proposal would also include a 1.1 metre high rail/glass barrier around the edges of the decking area, and steps from the garden. Also it is proposed to erect 2.55 metre high fencing along boundaries with nos. 41 and 45 Milwain Road.

The extension would be constructed in a darker brick, than the existing house, and a concrete roof tile, rather than slate on the existing house.

Consultations & Notification Responses

Local residents - No objections.

Flood Risk Management Unit - Makes the following comments:

Following receipt of the Flood Risk Assessment by Cross Street Architects, they REMOVE their objection to the above application, and they have the following recommendation:

The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy. This should be provided as an informative.

As stated within the FRA, as the site is within Flood Zone 2 they would recommend that the proposed developments finished floor levels should not be set lower than the existing finished floor levels of the property.

As the applicant has evidenced that all major flood risk issues have been considered as part of the proposed extension, they have no further comments or require any further information from the applicant.

Greater Manchester Police - Recommends a number of security improvements which have been provided to the applicant as an informative.

Issues

National Planning Policy Framework (February 2019) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type 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 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

It states that planning policies and decisions should ensure that developments:

a) will function well an add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

There should be a presumption in favour of sustainable development and 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.

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.

Unitary Development Plan - The site is presently unallocated within the Manchester 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 States that, 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).

Impact of works (extension) - The proposed rear extension would project approximately 3.93 metres, from the rear wall of the property, which is slightly in excess of the maximum projection recommended by policy DC1.3(a). However, since that policy was adopted, permitted development rights have been changed to allow for larger home extensions. Also it is not a

significant change to the existing conservatory, representing an increase of approximately 0.63 metres in terms of projection. Also, in relation to height the proposal represents an increase of 0.15 metres in relation to eaves level and 0.25 metres in relation to apex height. The extension is set away from the common boundary with no.41 Milwain Avenue and it is not considered that the changes proposed would significantly change the impact of the existing structure, upon the amenities of adjoining residents and these minor increases in height and scale can be accommodated. In relation to materials a darker brickwork is proposed and a concrete roof tile is proposed, rather than slate which is used on the main house. A condition in relation to materials is therefore proposed.

Impact of works (decking) - The proposed decking would have a height, above ground level, of 0.75 metres, which is not considered to be excessive, given that the proposal also includes the erection of 2.55 metre high boundary fencing, along the common boundaries with nos. 41 and 45 Milwain Avenue, which would therefore be 1.8 metres above the level of the decking, at its highest point. It is not therefore considered that there would be a significant impact, upon the amenities of surrounding occupiers, as the decking, and people using the decking, would be largely screened from the adjoining properties.

Overall it is considered that the proposed works would be a proportionate addition to the house. Given the size of the rear garden area, it is considered that it can sufficiently accommodate a proposal of this nature. On balance, it is not considered that there would be any impact on visual and residential amenity in terms height, scale and massing and any potential loss of privacy.

Design and appearance - The works would not be visible along a highway and the provision of the boundary fencing means that, other than the roofline of the extension, it would only be visible from the first floor rear windows of adjoining properties. The materials to be used would not be out of character for developments of this nature, subject to assessment of the colours to be used in the construction of the extension, and the design proposed is standard for developments of this nature. It is therefore not considered that the proposed works would unduly harm the character of the dwelling house or the general area.

Flood Risk -The rear garden area lies in Flood Zone 3 and the main house and front of the site lies in Flood Zone 2. A flood risk assessment was completed by the applicant and it is demonstrated that the proposed finished floor level, in the extension, is the same as that in the main house, and all existing and proposed finished floor levels are above future flood levels as predicted by the Environment Agency. The submitted details are acceptable to the Flood Risk Management Unit who are satisfied that all flood risk issues have been considered as part of the application, and that no further information is required from the applicant.

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, pre-application negotiations were entered into, in relation to ensuring the use of the decking did not impact upon the amenities of adjoining residents, which resulted in the provision of adequate screening.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with drawings numbered 116-(08)-002, 116-(08)-003, 116-(08)-004, 116-(08)-005, 116-(08)-006, 116-(08)-007, 116-(08)-008, 116-(08)-009, 116-(08)-011, 116-(08)-015,, 116-(08)-017, 116-(08)-018, 116-(08)-019, 116-(08)-020, 116-(08)-021, 116-(08)-022 and 116-(08)-024, stamped as received by the City Council, as Local Planning Authority, on 9 September 2020.

Drawings numbered 116-(08)-030 rev A, stamped as received by the City Council, as Local Planning Authority, on 11 September 2020.

Drawings numbered 116-(08)-001A, 116-(08)-016A and 116-(08)-014B and the Flood Risk Assessment by Cross Street Architects, all stamped as received by the City Council, as Local Planning Authority, on 30 November 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Notwithstanding the materials indicated on the application form/plans hereby approved , no above ground works shall commence unless and until samples and specifications of the proposed brickwork and roof tiles, to be used on the external elevations of the extension, have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policies SP1, EN3 and DM1 of the Manchester Core Strategy.

4) 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 openings, including windows and doors, shall be inserted within the elevations

of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

5) 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 part of the resulting residential unit shall be used for any other purpose than Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3.

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) - Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.
- All aspects of the extension, particularly doorways should be illuminated with dusk til dawn lighting.

2) The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system in accordance with policy EN17 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police

45 Milwain Road, Manchester, M19 2PX
38 Ranford Road, Manchester, M19 2GL
6 Kempton Road, Manchester, M19 2GJ
41 Milwain Road, Manchester, M19 2PX
39 Milwain Road, Manchester, M19 2PX
1A Kempton Road, Manchester, M19 2QL
44 Milwain Road, Manchester, M19 2PS
40 Ranford Road, Manchester, M19 2GL
36 Ranford Road, Manchester, M19 2GL
48 Milwain Road, Manchester, M19 2PS
46 Milwain Road, Manchester, M19 2PS
42 Milwain Road, Manchester, M19 2PS
8 Kempton Road, Manchester, M19 2GJ
10 Kempton Road, Manchester, M19 2GJ
4 Kempton Road, Manchester, M19 2GJ

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2