

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128079/FH/2020
Date registered valid: 28 September 2020
Proposal: Erection of a part single part two storey side and part single part two storey rear extension to provide additional living accommodation
Address: 13 Olney Avenue, Manchester, M22 8AB
Ward(s): Northenden Ward

Applicant: Naheem A2Z Estates 47 Sedgeborough House, Manchester, M16 7EU
Agent (if any): Mr Mohamed Ahmed M1 Architecture 179 Princess Rd, Manchester, M14 4RL
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: REFUSE
Date of recommendation: 23rd November 2020



Application details

Type of application:	Full Householder Application
Development type:	Householder
Date of site visit:	
Standard consultations:	Printed: 6 October 2020 Expired: 27 October 2020
Neighbour notifications	Printed: 6 October 2020 Expired: 27 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

The site comprises a two storey end terrace property in the Northenden ward area of Manchester. The roof is hipped reflecting the predominant design of roof in the immediate area. The property lies at the end of a Cul de sac which backs onto properties along Shayfield Drive. Gardens lie to the front, side and rear of the property with boundary treatment made up of timber fencing and hedging.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is residential in nature with a mix of terrace and semi detached dwelling houses.

Description of development

Erection of a part single part two storey side and part single part two storey rear extension to provide additional living accommodation

Consultations & Notification Responses

Local residents, as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. Two letters of objection have been received in respect of this application, summary of comments as follows:

- Concerned as area is small and three bedroom could be changed into five bed apartment
- Leads to less car parking space
- Extension would double the size the house

MCC Flood Risk Management – The proposed extension footprint is within Flood Zone 2. Flood Zone 3 transects the site boundary. If the application were to be approved conditions and an informative would need to be attached to any approval.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

Principle

The proposal is for of a Part-retrospective application for the erection of a part single, part two storey rear extension and a two storey side extension to provide additional living accommodation

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Plans considered

Plan dated 23 rd September 2020 numbered 02C	Existing Floor Plans and Elevations
Plan dated 23 rd September 2020 numbered 03C	Proposed Ground and First Floor Plans
Plan dated 23 rd September 2020 numbered 04C	Proposed Elevations

History

There have been three previous planning application relating to this site as follows:

Planning reference number 125485/FH/2019 - Approved - 18.03.2020 Erection of a part single, part two storey rear extension and a part single part two storey side extension to provide additional living space.

Planning reference number 126841/JO/2020 - Returned - Variation of condition no. 2 (approved drawings) attached to planning permission 125485/FH/2019 to allow for an increase in the size of the previously approved house extensions

Planning reference number 126873/FH/2020 - Refused - 30.07.2020 Part-retrospective application for the erection of a part single, part two storey rear extension and a two storey side extension to provide additional living accommodation

Residential Amenity

This application is a resubmission following refusal of a previous scheme (126873/FH/2020) which is currently under appeal.

Concerns have been raised by a local resident in relation to the size of the extension, loss of car parking and change from a three bedroom to a five bed apartment.

Ground Floor

In terms of the ground floor element of the proposal, this would be set back from the front wall of the property by approximately 1.5 metres with a width of 3.2 metres increasing in width by an additional 3.0 metres towards the rear providing a total width from the side wall of 6.2 metres towards the shared boundary with no. 11 Olney Avenue. The proposal would extend approximately 8.0 metres along the side wall with a projection beyond the rear wall of approximately 3.4 metres. The ground floor would form a wrap around the property up to the shared boundary with the adjoining semi-detached property no. 15 Olney Avenue and would have a mono pitch sloping roof and two roof lights. The total width across the rear wall and beyond the side wall would be 12.2 metres. One window is proposed on the front with three windows and French doors proposed on the rear.

First Floor

The first floor element of the proposal would be set back from the front wall of the property by approximately 1.5 metres with a width of 2.459 metres increasing in width by an additional 1.2

metres towards the rear providing a total width from the side wall of 3.7 metres approximately towards the shared boundary with no. 11 Olney Avenue. retaining a gap to the boundary of the adjoining semi-detached property. The roof would be hipped to reflect the existing design of the roof of the property. The height to eaves remains the same as the existing property, however the ridge height is set down from the existing ridge height. Two windows are proposed on the front with a large window proposed on the rear.

It is noted that the first floor has been reduced, however it is considered that the increase in the overall footprint of the site provides a structure which is not in keeping with the host dwelling and would provide an overbearing and detrimental impact on the adjacent and surrounding properties. Further, it is considered that there is a detrimental impact on the residential amenity of 45 Shayfield. As designed the extension would sit directly overlooking the rear garden of that property with windows at ground and first floor with no intervening garden space. It would therefore lead to direct overlooking of the garden to the detriment of the privacy and enjoyment of 45 Shayfields outdoor amenity space.

In terms of residential amenity it is considered that this is compromised by the significant increase in the footprint of the extension providing undue harm which would give rise to loss of residential amenity that the adjoining occupants could expect to enjoy, and therefore does not accord with policies SP1 and DM1 of the Manchester Core Strategy Development Plan and saved Unitary Development Plan policy DC1 and the guidance contained within the National Planning Policy Framework

Siting, scale and massing

Concerns have been raised by local residents in relation to the size of the proposal. The size and footprint of the proposed extension is believed to provide an overbearing impact upon the residential amenities of the adjoining properties and is considered to be out of character with the existing and surrounding properties in the area. It is considered that the scale, bulk, massing and rearward projection, and its relationship with the surrounding properties would provide an unacceptable view of expanse of brick, due to the height and orientation within the application site.

The extension would be visible from the public highway and therefore would be a feature within the street scene. The character of the area has already changed over time and although the houses in the immediate vicinity are themselves altered and extended, this proposal is out of character with the host dwelling and other properties in the area and is therefore considered unacceptable and its impact upon visual amenity is not considered negligible.

Therefore, it is considered that the scale and mass of the proposed extension is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design and appearance

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure and is believed to be oppressive and overbearing on the occupants of neighbouring and surrounding properties.

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Parking

There have been concerns raised in relation to the loss of car parking space. There is off street parking provided by the driveway at the front of the property and accords with the principles for residential extensions set out in policy DM1 of the Core Strategy.

Bins

Bin storage details have not been provided as part of this proposal.

Other Matters

The City Council is aware of the current state of land ownership of the applicant's site and current land dispute. The side extension would project over the boundary line of the property rear of the site no. 45 Shayfield Drive considerably, however, this would be a matter which falls outside of planning controls. Other legislation outside of Planning Law protects the rights of landowners, whilst the applicant does not own all the land subject of the application proposals this would be a civil legal matter that would need to be resolved between the two parties.

In planning terms, as set out within this report, the proposals are considered to be unacceptable.

Conclusion

The proposal is considered to be unacceptable, taking into consideration, the dimensions of the proposal, together with the orientation within the site; The Council considers that the current planning application would give rise to a significant overbearing impact on the occupiers of surrounding properties thus detrimentally affecting residential amenity contrary to policies SP1 and DM1 of the Manchester Core Strategy Development Plan and saved Unitary Development Plan policy DC1 and the guidance contained within the National Planning Policy Framework.

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: Refuse

Article 35 Declaration

The application has been determined in a timely manner and in accordance with the policies within the Development Plan. Unfortunately the submitted proposals were not considered to be acceptable in this instance.

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

1) The proposed development due to its scale, bulk, massing, size and its relationship to the original 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 particularly no. 11 Olney Avenue and as such is contrary to saved policy DC1 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.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

11 Olney Avenue, Manchester, M22 8AB
45 Shayfield Drive, Manchester, M22 8DT
43 Shayfield Drive, Manchester, M22 8DT
41 Shayfield Drive, Manchester, M22 8DT
15 Olney Avenue, Manchester, M22 8AB

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 45M
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: SOUTH