

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141729/FH/2024

Date registered valid: 19 December 2024

Proposal: Erection of two storey side and part single and two storey rear extension following demolition of existing garage, together with the erection of single storey rear outbuilding, new bin store and hard landscaping to front garden.

Address: 75 Kearsley Road, Manchester, M8 4QJ

Ward(s): Crumpsall Ward

Applicant: Mr Usama Zafar

Agent (if any): Mr V Alyas Architek

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11 April 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 January 2025

Standard consultations:

Printed: 2 January 2025 Expired: 23 January 2025

Neighbour notifications

Printed: 2 January 2025 Expired: 23 January 2025

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/area

The proposal relates to an end-terraced residential property along a row of eight properties with alternating shared ginnels, this housing arrangement has also been referred to as quasi-semis. The application property is constructed from red brickwork, designed with a hipped roof finished in grey slate tiles. The proposal features an existing two storey flat roofed rear extension and conjoined front bay and porch to the principal elevation.

There is an existing driveway to the side of the property which leads to an existing detached garage, sited upon an elevated paved patio which is directly to the rear of the dwellinghouse. Beyond this patio is garden set at a lower level bound by timber fencing and hedging (NE).

The surrounding area is residential in character, featuring terraced properties of a similar character and form.

The topography of Kearsley Road descends significantly from SW to NE, as such the adjoining properties (No.s 77-89) in the terrace are sited at lower land levels than the application site, see fig.1.



Fig.1 The application property, no.75 Kearsley Road

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is proposing the erection of a part two storey, part single storey side extension and single storey rear extension following demolition of existing garage, together with the erection of single storey rear outbuilding, new bin store and hard landscaping to front garden.

The agent submitted a revised scheme 20/03/2025 showing the omission of a first floor rear extension and reduction in 1m projection to the single storey rear extension along the shared boundary with no.77 Kearsley Road.

Part single/ part two storey side extension

The proposed side extension would measure 2.61m in width retaining 0.3m separation distance to the boundary and run 14.9m in total length including the single storey rear element. The ground floor element would be set flush with the principal elevation and accommodate a hipped roof from that would tie in with the existing porch/bay window. An additional access door with glazed panels is proposed to the front elevation.

The first floor element would be set back 2m from the principal elevation and measure 9.08m in length, accommodating hipped roof forms set down from the main ridge. A single window is proposed at first floor to the front (bathroom), side (stairwell/landing) and rear (bedroom) elevations.

Single storey rear extensions

Single storey rear extensions would form an I-shape arrangement with hipped and lean-to roof forms, spanning the full width of the extended property. These elements would replace the existing garage along the common boundary with no.73 and extend an additional 2.8m beyond the existing 2.18m two storey rear extension along the shared boundary with no.77. A single window and bi-folding doors are proposed in the rear elevations only.

Rear outbuilding

The proposed annex would be sited at the rear end of the applicant's curtilage and measure 5.17m (w) x 6.09m (l), totalling approx. 31.48m² gross footprint. The detached annex would accommodate a hipped roof form, with 2.73m eaves height and 3.88m ridge height. Two windows and a set of French doors are proposed in the front (SE facing) elevation only.

Hard landscaping

The existing boundary wall along the site frontage would be demolished and front amenity area finished in stone tiles or resin with channel drain, to create a new off-street parking provision. A new timber bin store would be provided for refuse management.

All proposed extensions and detached outbuilding would be finished in matching brickwork and tile.

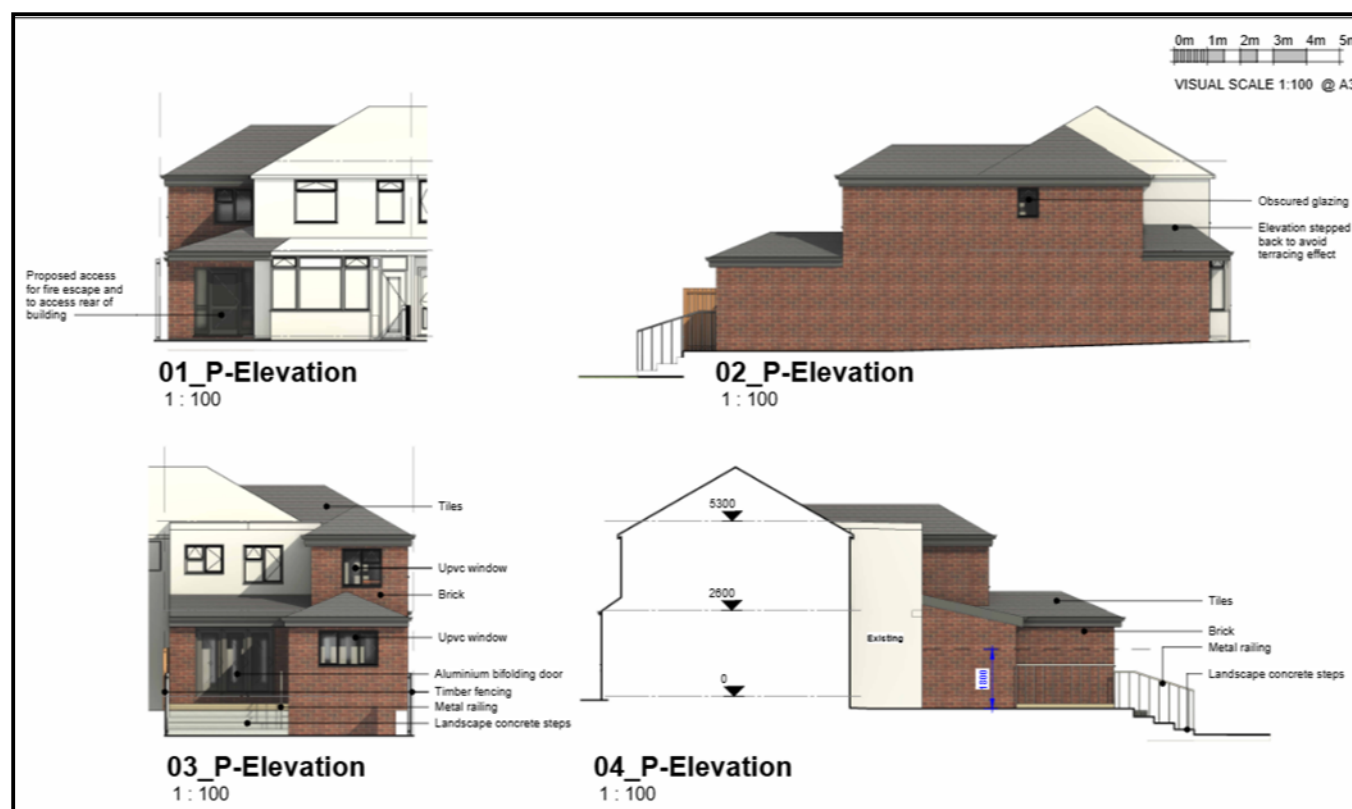


Fig.2 Proposed Elevations ref: A105 (revision P3)

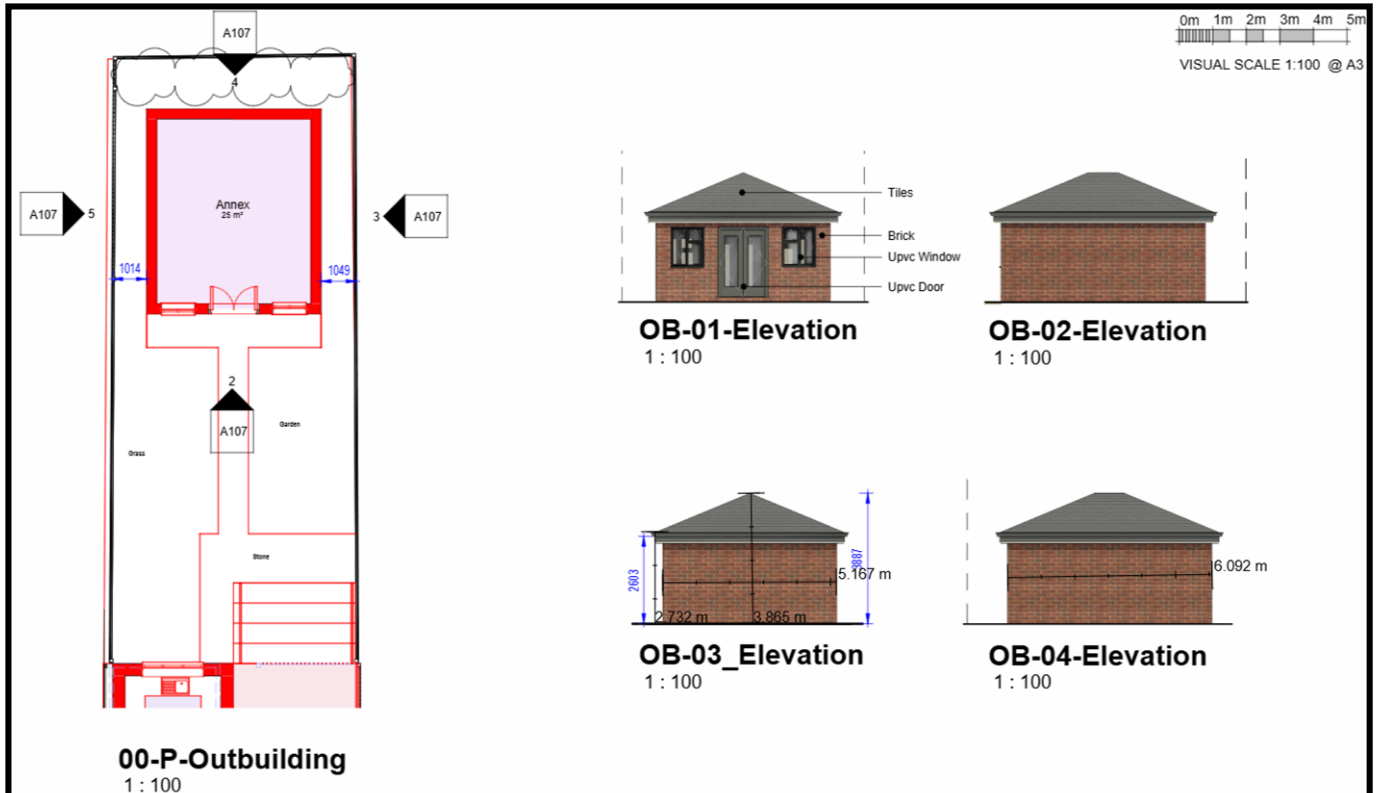


Fig.3 Proposed Annex Plans and Elevations ref: A107 (revision P1)



Fig.4 Proposed site plan ref: A101 (revision P3)

Consultations & Notification Responses

Local responses

None

Consultee responses

Flood Risk Management – The development is in Flood Zone 1 with a vulnerability classification of ‘More Vulnerable’ and is a Minor Extension.

Relevant Planning History

F10647 – Two storey rear extension. Approved 1979. *Implemented.*

History of negotiations

13/02/2025 - The planning officer indicated concerns on the original scheme and that this could not be supported on visual and residential amenity grounds, siting concerns over harmful massing to the side boundaries and proposed scale of detached outbuilding. Prior to determination, the applicant was offered the opportunity to withdraw their scheme.

07/03/2025 - The agent requested to submit a revised scheme for consideration.

20/03/2025 – Revised scheme submitted, showing the partial omission of a first-floor rear extension and reduction of the additional single storey rear extension by 1m.

This amended scheme was not considered to address initial overbearing concerns upon the adjoining neighbouring property but the following amended drawings were assessed in the determination of the application:

Proposed Elevations ref: A105 (revision P3)

Proposed Annex Plans and Elevations ref: A107 (revision P1)

Proposed site plan ref: A101 (revision P3)

Proposed floor plans plan ref: A104 (revision P3)

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-P1 – Sustainable Places

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management

SP 1 – Spatial Principles (partially superseded by PfE)

H 3 – North Manchester

EN 1 – Design Principles and Strategic Character Areas

EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC1– Residential Extensions

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (December 2024) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places

Paragraph 135 (f) states developments should create a high standard of amenity for existing and future users.

Issues

Principle of development:

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers. In this instance however, the principle of the proposal is considered unacceptable by virtue of the proposed scale and design of extensions, read cumulatively with existing development, which present harm upon the adjoining residential property, which means the application cannot be supported. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

Impact on visual amenity and the streetscene:

The proposal seeks permission for a part two storey, part single storey side extension and single storey rear extension following demolition of existing garage, together with the erection of single storey rear outbuilding, new bin store and hard landscaping to front garden.

The proposed two storey side extension has been revised to accommodate a 2m set back at first floor which is considered to aid the subservience of this addition. This side element is considered to be acceptable in isolation, as the extension is understood as being subservient to the host dwellinghouse in terms of its dimensions (on account of its reduced ridge height, matching eaves and setback at first-floor level). The single storey element to the rear along the boundary with no.73 (set higher) would replace the demolished garage, comprising a similar footprint, as such this element is acceptable on balance.

Whilst the proposed rear extensions and detached annex would not be readily visible from the streetscene, Kearsley Road and therefore not impact the character of the host property, these additions would however be situated at an elevated position given the site topography. As such these elements would be highly visible from the rear gardens of no.s 77-89 in the immediate lower lying terrace due north east. It is therefore considered that proposed rearward projections

upon the host dwelling, would result in a cumulative overbearing massing impact in particular to no. 77; combined with the visually intrusive and oppressive outlook when viewed from these neighbouring gardens, which would have a detrimental impact on the residential amenity of the neighbouring occupiers and is therefore contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

The proposed detached annex would not constitute permitted development, due to its location within 2 metres of the boundary and the maximum height at approximately 3.86 metres. The submitted proposed site plan ref: A101 P3 and outbuilding plan ref: A107 P1 (see figures 3 and 4), denotes existing vegetation retained to the rear boundary only. As such, this element would not benefit from sufficient boundary screening with regards to neighbouring properties due north east, resulting in an overdominant addition when viewed from these neighbouring gardens.

For the reasons outlined, the proposed development to the rear is considered contrary to saved UDP policy DC1.1 a), DC 1.1b); DC1.2 a), DC1.2 b); DC1.3 a); policy DM1 of the Core Strategy; and the guidance set out in the Guide to Development in Manchester Supplementary Planning Document.

Impact on residential amenity:

No.77 Kearsley Road is the adjoining terraced property directly to the NE of the application property. It is acknowledged that this neighbouring property's rear amenity space (patio and garden) is situated at a lower land level than the host property, given the topography of the street. There is limited boundary treatment present along this common boundary, in the form of mid-height open timber fencing, which gives rise to a mutual perception of overlooking.

Notwithstanding this, overbearing, loss of outlook and overshadowing concerns are raised with regards to the proposed cumulative scale and massing of rear extensions along this shared boundary, at an elevated position. It is noted that the application property has been previously extended two storey to the rear by approximately 2.18m, permitted in 1979. The revised proposal would introduce an additional 2.8m single storey extension beyond this previously extended rear boundary line, totalling a 5m projection of blank expansive brickwork along the shared boundary (see figures 2 and 4). This projection would exceed the 3.65m guidance as set out in saved policy DC1.3. Moreover, this harm would be further exacerbated by the orientation of proposed development due south west of this neighbour and change in land levels between the application site and no.77, which is considered to give rise to a significant degree of overdominance, loss of outlook and overshadowing impacts, which cannot be supported in principle.

The proposed detached rear annex would constitute as a dominant addition to the application site due its large scale, which would be highly visible when viewed from neighbouring gardens due north east, which would have a detrimental impact on the residential amenity of these neighbouring occupiers.

A new side window is proposed at first floor level, affording outlook over the adjacent side elevation and parking area of no. 73 Kearsley Road. Whilst this proposed window would introduce glazing to a formerly blank elevation, it would serve a landing/stairwell, which given the nature of this configuration (non-habitable room) and distances retained between nearest elevations, this additional window raises limited overlooking concerns.

As such, this residential amenity impact identified upon the neighbouring properties, is considered contrary to policies DM1, SP1 and EN1 of the Manchester Core Strategy and saved policy DC1 of the Unitary Development Plan.

Impact on Highway Safety:

Whilst the proposed development would remove the existing garage and side driveway, the site frontage would be given over to new area of hardstanding in order to facilitate off street parking, as such is considered acceptable in this regard.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

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 by the submission of a revised proposal. The proposal is considered to be contrary to the development plan and therefore has been refused permission.

Reasons for recommendation to refuse

- 1) The proposed rear extensions and detached outbuilding, by reason of the proposed rearward projection (in addition to the existing two storey rear extension), elevated position due to existing topography and resultant overall mass of built form in close proximity to the shared boundary with no.77 Kearsley Road, would create undue

overdominance, overshadowing and visually oppressive feature in terms of outlook from neighbouring gardens to the detriment of the residential amenity of the occupiers of the adjoining property. As such the proposals are contrary to saved policies DC1.1, DC1.2, DC1.3 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1 and EN1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

76 Kearsley Road, Manchester, M8 4GJ
94 Brynorne Road, Manchester, M8 4QW
92 Brynorne Road, Manchester, M8 4QW
72 Kearsley Road, Manchester, M8 4GJ
81 Kearsley Road, Manchester, M8 4QJ
79 Kearsley Road, Manchester, M8 4QJ
98 Brynorne Road, Manchester, M8 4QW
100 Brynorne Road, Manchester, M8 4QW
78 Kearsley Road, Manchester, M8 4GJ
77 Kearsley Road, Manchester, M8 4QJ
73 Kearsley Road, Manchester, M8 4QJ
96 Brynorne Road, Manchester, M8 4QW
74 Kearsley Road, Manchester, M8 4GJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA