MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141445/FH/2024
Date registered valid:	5 November 2024
Proposal:	Erection of a single storey rear extension
Address:	28 Varley Street, Manchester, M40 8BW
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Richard To
Agent (if any):	Mrs. Clair Hughes CHDesign
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	27 December 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 12 November 2024 Expired: 3 December 2024

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 application relates to a recently built three-storey semi detached dwellinghouse of red multi brick construction with grey tile roof, with perimeter boundary treatment close to the junction of Varley Street and Winstanley Road.

The rear garden is sizable for the nature of the property (measuring approximately 11.72 metres In depth and 8m in width) and is south westerly facing.

Planning History
117055/FO/2017 - Proposed residential development of 129 properties with a mix of two and three storey semi-detached / terraced properties and eight apartments in one block with associated road access, parking and landscaping.
James Street.
Approved subject to conditions 13.02.2018.

CDN/18/0168- Discharge of condition 9(a) (contaminated land) attached to planning permission reference 117055/FO/2017. Approved 22.10.2018.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The dwellinghouse is located within a mixed use area, with the former Corpus Christie Basilica (Grade II listed building) to the north east of the site (currently in use as a wedding

venue), and a commercial business park to the south east, and predominantly residential areas to the north, south and west.

Description of development
Consent is sought for the erection of a single storey flat roofed rear extension to form additional living accommodation, following the removal of a free standing wooden gazebo to the rear of the house.

The proposed extension would be sited in close proximity to the common shared boundary with no. 26 Varley Street, whilst leaving a small gap of approximately 465mm from this boundary. The proposed extension would extend across the width of most of the rear façade of the house and project rearward by 3.475m into the rear garden area. It would not project beyond the side gable of the existing house leaving a gap of 3.24m to the boundary with no. 30 Varley Street. A window to serve the extended lounge area would be located in the southern side elevation, with further windows and double doors within the rear elevation. It is intended to use matching bricks and dark grey UPVC fenestration.

Consultations & Notification Responses
Local residents- Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

Policy Context

The following guidance and policies are considered to be relevant to the proposed development.

The National Planning Policy Framework (NPPF), (December 2024): • Chapter 12: Achieving well-designed places.

Places for Everyone (2022 - 2039)
The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies in relation to jobs, new homes and sustainable growth for nine of the 10 boroughs which make up Greater Manchester. The Plan and its policies are a material planning consideration in the determination of planning applications, and therefore be given significant weight in the planning balance.
The following policy is considered to be relevant:
• JP-S1 - Sustainable development

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
The following policies are considered to be relevant:
- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas
- Policy EN3 (Heritage)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

Unitary Development Plan (UDP)(1995) -Saved policies

• Saved Policy DC1 for Residential Extensions is still considered of relevance.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007: • Chapter 2: Design

Issues

Principle
The principle of extending one's home is acceptable, and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and visual amenity
The proposed extension would be sited in close proximity to the common shared boundary with no. 26 Varley Street , whilst leaving a small gap of approximately 465mm from this boundary. The proposed extension would extend across the width of most of the rear façade of the house and project rearward by 3.475m into the rear garden area. It would not project beyond the side gable of the existing house leaving a gap of 3.24m to the boundary with no. 30 Varley Street. A window to serve the extended lounge area would be located in the southern side elevation, with further windows and double doors within the rear elevation. It is intended to use matching bricks and dark grey UPVC fenestration.

The proposed rearward extension would be set in the context of a long rear garden, with 8.2m depth of rear garden retained, and would accord with saved UDP policy DC1.3 in that the rearward extension would be less than 3.65m (12 ft) in length.

Whilst the proposed extension would lie to the south of no.26 Varley Street, the combination of the height of fencing between the rear garden areas of the dwellings and the incorporation of a flat roof to the proposed extension would reduce the level of potential overshadowing to the neighbouring gardens areas and reduce impact from massing on the shared boundary.
In addition, no.30 Varley Street is set back further from the back of pavement, which means that the rear façade of proposed extension would not project as far rearward as the rear elevation of no.30.
Furthermore, revised plans have been received which show the window the side elevation as being obscurely glazed, and it is recommended that this aspect of the scheme is conditioned.

The planning agent was asked to consider the incorporation of a pitched roof, but they have advised that depth of the rearward projection extension at 3.475m is to prevent any damage to the drains passing through, and that this depth would only allow a flat roof to be incorporated, due to the space between the 1st floor windows and the pitch which would be needed.
Whilst a pitched roof design would have been preferred, the proposed design for the reasons set out above is considered to be acceptable , given the siting of the proposed extension. However, a materials condition has been attached to ensure that materials would match those used in the host dwelling as referenced in the planning submission.

Ground conditions
A contaminated land condition was attached to the approved to build the dwellinghouse, and part a of the condition has been discharged. It is therefore proposed to attach a condition to ensure the proposed extension does not compromise any existing remedial measures previously incorporated at the site as part of Planning Permission 117055/FO/2017 (CDN/18/0168), and that upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to ensure that the existing remedial measures have not been compromised.

Heritage
The former Corpus Christie Basilica (Grade II listed building) to the north east of the site. However, due to the proposed extension being sited to the rear of the property, and not in a line of sight of the listed building, the proposed extension it is not considered to have any adverse impacts to the setting of the listed building.

Impact of works (Car parking) - The existing arrangement would be unaffected.

Impact of works (Waste management) - The existing arrangement would be unaffected. Wheeled bins could still be stored within the rear garden area.

Conclusions - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapter 12; policies SP1, DM1, EN1, EN19 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007); policy JP-S1 - Sustainable development of Places for Everyone (2022 - 2039).

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 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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, the local planning authority has discussed the roof design with the planning agent , and the type of glazing to the proposed window to the side elevation, and appropriate conditions have been attached to the approval.

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 the following drawings and documents:
   - Householder Application for Planning Permission for works or extension to a dwelling form.
   - Drainage protection plan ref: Drawing No: 2
   -Site Plan ref: Drawing No: 3
   - Proposed roof plan ref: Drawing No: 8
   received by the City Council as the Local Planning Authority on 5th November 2024.

   - Agent email dated 24th December 2024
   - Proposed Ground floor plan ref: Drawing No: 6 rev. C.
   - Proposed elevation plan ref: Drawing No: 7 rev. C.

   Received 24th December 2024.

   Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) The external facing materials to be used on the development hereby approved shall match those of the existing dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the submitted information.

   Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of the Manchester Core Strategy (2012).

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 windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on:
   - Proposed Ground floor plan ref: Drawing No: 6 rev. C.
   - Proposed elevation plan ref: Drawing No: 7 rev. C.
   Received 24th December 2024.

   Reason - In the interest of residential amenity, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

5) Prior to first occupation of the development thereby approved, the proposed window to the southern side gable as shown on: Proposed Ground floor plan ref: Drawing No: 6 rev. C. and Proposed elevation plan ref: Drawing No: 7 rev. C, shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

   Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

6) The proposed extension hereby approved shall not compromise any existing remedial measures previously installed at the site as part of Planning Permission ref: 117055/FO/2017. Upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to ensure that the existing remedial measures have not been compromised.

   Reason - The development shall not compromise the protection afforded by earlier measures installed as part of Planning Permission ref:117055/FO/2017, pursuant to policy EN18 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

72 Winstanley Road, Manchester, M40 7WN
30 Varley Street, Manchester, M40 8BW
26 Varley Street, Manchester, M40 8BW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA