

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141053/FH/2024

Date registered valid: 23 October 2024

Proposal: Erection of a part single/part two storey rear, single storey side and single storey front porch extensions.

Address: 10 Lilmore Avenue, Manchester, M40 1EY

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Shen Long Zhen

Agent (if any): Mr Sabin Zannou, LDM Group

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

Recommendation: Approve

Date of recommendation: 21 January 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 July 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 23 October 2024 Expired: 13 November 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 site relates to a two storey brick built semi-detached dwelling situated within the Miles Platting and Newton Heath Ward, Manchester. The property benefits from a bay fronted window along the front elevation with a large area of hardstanding to the front used for off street parking. To the rear is paved garden with detached outbuilding. Boundary treatment is in the form of timber fencing for the shared and rear boundaries.

A single storey side extension and partial single storey front extension and has been erected at the application property, the revised proposal (rev G) proposes to regularise these additions albeit with amendments to the design.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominately residential in nature with houses of similar character, scale and form. The adjacent property, no.8, affords a flat roofed two storey rear extension, however this development was permitted in 1983, considered against now obsolete planning policy and guidance.

Description of development

The application seeks planning permission for the erection of a part single, part two storey rear extension and retention of existing single storey front and side extensions on site to form additional living accommodation. This proposal (REV G) seeks to regularise these part-retrospective single storey additions albeit with amendments to their design.

Since the initial submission, the proposal has been revised to show a lean-to roof to the side extension, omission of additional side windows (porch and rear extension), a reduction to the first-floor rear projection along the shared boundary with no.12 and hipped roof forms.

At ground floor the proposed rear extension would extend the full width of the host property (5.5m) and measure 3.6m depth, designed with a lean to roof form along the shared boundary, 3.45m in maximum ridge height with 2.4m eaves. At first floor the proposed rear extension would measure 3.7m in width, set in 1.92m from the shared boundary and project between 3.6m to the rear, accommodating a hipped roof form set down from the host with original matching eaves level.

The proposal would create extended living space at ground floor and enlarged third bedroom with ensuite and walk-in wardrobe.

The proposal would involve the insertion of French doors and a window in the rear elevation at ground floor and a single first floor rear window to serve a bedroom. Materials to be used throughout the proposal would include brickwork, roof tiles and Upvc windows to match existing.

Consultations & Notification Responses

Local responses

Three letters of representation were received from local residents raising the following concerns:

- Proximity of extension in relation to properties to the rear – overlooking impacts.
- Concern was raised about the use of the property as HMO

This is considered a material planning consideration which will be addressed in the amenity chapter.

- Several alterations have been made to the application property – *This has been considered an Enforcement matter*
- Front garden used as a building site
- Noise and disturbance from building work
- Drains affected from construction
- Vehicle access affected on street
- Breach on neighbouring boundaries and access
- Devalue house prices

These are not material planning considerations.

Consultee responses

None

Relevant Planning History

At the application site –

140327/FH/2024 – Erection of part single storey, part two storey rear extension. Refused 21.08.2024.

Enforcement Matters –

ENF/15869/24 – Unauthorised works, pending consideration.

History of negotiations

July 2024

The planning officer raised initial amenity concerns (email dated 29/07/2024) relating to: -

- Accuracy of submitted plans (unauthorised development on site)

- The proposed two storey rear extension would cause significant outlook and overdominance impacts upon the adjoining dwelling no.12 – 3.3m rear projection at first floor not supported
- Flat roof design wholly contrary to policies DC1.3 (saved UDP) and DM1 (CS)

The planning officer welcomed the submission of one set of revised plans, which a determination would be based off. Revised plans (REV C) were submitted 15/8/24, showing a reduction in projection at first floor level along the shared boundary and hipped roof forms.

Whilst this revision addressed initial design and amenity concerns with regards to no.12, there remained concern with the standard of accommodation created internally within the application property and could not be supported.

Furthermore, the planning officer notified the agent that the unauthorised works to the front and side do not constitute as permitted development and would not be supported under a full planning application, due to their design and materiality. As such, advised this matter would be raised by MCC Enforcement.

December 2024

The planning officer raised initial amenity concerns with the revised proposal (REV D): -

- Fenestration within sides of the front porch not supported
- Flat roof to side extension not supported
- First floor side window facing no.12 not supported
- Propose and show on plan bespoke timber waste store of sufficient size (front garden)

The agent submitted revised plans 18/12/24 (REV G) which addressed the matters above.

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-S1 – Sustainable Development

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
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 12 – Achieving well-designed places

Issues

Principle of development:

The principle of allowing residents to extend and develop their homes to provide enlarged or improved living accommodation 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. On balance, the revised proposal is deemed compliant with saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy, and chapter 12 of the NPPF.

Impact on visual amenity and the streetscene:

The revised proposal (REV G) seeks permission for a part single storey - part two storey rear, single storey side and single storey front porch extensions.

The proposed rear extensions would measure 3.6m in overall projection from the original rear elevation. At ground floor the extension would sit flush with the side elevations of the original dwelling and at first floor the rear extension would be inset 1.92m from the shared boundary with no.12 measuring 3.7m in width. The height of the proposed rear extensions appropriately relate to the height parameters of the existing building, with the two storey element sufficiently set-down from the original ridge, achieving a subservient addition. The two-storey rear extension would be designed with a hipped roof form which is considered sympathetic to the host property.

The revised single storey side and single storey front porch extensions would accommodate matching materials and pitched roof forms. These revisions are considered to ameliorate the visual impact of the existing unauthorised development on site, as such are considered acceptable on balance subject to these design amendments.

It is considered that the proposed extensions respond well to the dimensions, design and siting of the neighbouring properties.

Overall, the proposed extensions are considered to be subservient to the existing property therefore, this proposal does not create any significant impacts in terms of visual amenity within the character of the general area and is considered acceptable against the principles set within Saved DC1 and SP1 and DM1 of the Core Strategy.

Impact on residential amenity:

The revised proposal (REV G) has omitted fenestration from the eastern side elevation and brought two storey development sufficiently away from the shared boundary with the adjoining property, no.12. These revisions are considered to remove original concerns relating to overlooking, loss of outlook and overdominance upon this neighbouring property.

Concern has been raised with regards to the proximity of development in relation to the rear boundary of the application site and encouragement of development to the principal elevation. It is acknowledged that approximately 12m would be retained between first floor elevations of the development and neighbouring property directly to the rear (south), this separation distance is considered acceptable on balance. For clarity any development to the principal elevation of the host property, of the scale proposed in this application, would not be supported on visual amenity grounds and impact on character of the streetscene.

The revised front and side extensions are not considered to give rise to undue impacts upon the residential amenity of neighbouring properties, given the scale and design of these elements which are single storey and designed without fenestration to any side elevation.

Concern was raised through representation regarding unauthorised access through neighbouring land as a result of development along the side boundary, whilst this is duly noted, this is not considered a material planning consideration and is deemed a civil matter. Notwithstanding this, any planning permission does not grant access onto any land not within the ownership of an applicant.

For the reasons outlined above, the proposed extensions are considered not harm residential amenity of neighbouring occupants and are therefore considered acceptable against the principles set within Saved DC1 and SP1 and DM1 of the Core Strategy.

Impact on Highway Safety:

The proposed development would not interfere with the existing parking provision on site, as such is considered acceptable in this regard.

Other matters:

Concern has been raised with regards to suspected use of the application property as a house of multiple occupation (HMO). The application form submitted does not specify any change of use from the current planning use (C3 dwellinghouse), as such any deviation from this use

would require full planning permission to permit this. A condition has been imposed which controls the use of this of this property to negate any concern over this matter.

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: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, Place for Everyone and other material considerations. In this instance negotiations took place with regards to the proposed fenestration, bin store and roof design of the side extension. Amended plans were submitted showing these amendments, the application has been determined with the attachment of appropriate conditions.

Condition(s) to be attached to decision for approval

1. 3 Year Time Limit

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. Specified drawings and documents

The development hereby approved shall be carried out in accordance with the documents labelled:

- 'Proposed Drawings', numbered 'A1-002b REV G', stamped as received by the City Council as Local Planning Authority on the 18/12/2024.

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

3. Matching materials

Notwithstanding the submitted plans, the materials to be used on the external surfaces of the extensions hereby permitted shall match those of the existing dwellinghouse in type, size, colour and texture. For the avoidance of doubt this should be matching red brickwork to all walling and matching grey roof tiles.

Reason - To ensure 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 policies DC1.1, DC1.2, and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4. PD – No insertion of windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted in the development hereby approved, other than those expressly authorised by the granting of this planning permission.

Reason - In the interests of residential and visual amenity since any additions to the approved dwelling may adversely impact upon the neighbouring occupiers, pursuant to saved policy DC1 of the Unitary Development for the City of Manchester Policies DM1 and SP1 of the Manchester Core Strategy.

5. PD – Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in 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(a).

Reason - 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

11 Irvin Street, Manchester, M40 1EN
8 Lilmore Avenue, Manchester, M40 1EY
12 Lilmore Avenue, Manchester, M40 1EY
17 Lilmore Avenue, Manchester, M40 1EY
19 Lilmore Avenue, Manchester, M40 1EY
15 Lilmore Avenue, Manchester, M40 1EY
9 Irvin Street, Manchester, M40 1EN

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA