

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140201/FH/2024
Date registered valid: 21 June 2024
Proposal: Erection of part single, part two storey rear extension.
Address: 8 James Leach Vc Road, Manchester, M40 7PW
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Vikram Goyal
Agent (if any):
Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25 September 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 July 2024

Standard consultations:

Printed: 27 June 2024 Expired: 18 July 2024

Neighbour notifications

Printed: 27 June 2024 Expired: 18 July 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

8 James Leach VC Road is a two storey end-terraced property located in the Miles Platting ward. The application property is constructed in two colourations of red brickwork, a deeper red to the front projecting gable feature and muted paler red to the remainder of the dwelling (see fig.1). The property accommodates a grey roof and anthracite grey windows with decorative lintels and cills.

The property features a driveway to the front which has been extended in width by the applicant and enclosed garden to the rear, bound by closed boarded timber fencing. Private pedestrian access to the adjoining terrace no.6 is provided around the applicant's rear garden.

At the time of the site visit, July 2024, works to the property had been started at ground floor level, including installation of foundations, flooring and walling (see fig.2). The applicant and agent were advised to cease works until any permission had been secured on this property.



Figure. Front elevation (photo dated July 2019)



Figure.2 Unauthorised works (photo dated July 2024)

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area comprises a new build housing estate, which is characterised by brick-built three-two storey dwellinghouses (class C3a).

Description of development

The application seeks planning permission for the erection of a part single, part two storey rear extension to form additional living accommodation and new side window at first floor level.

The proposed rear extensions would measure 5.4m in width, set in 150mm from the party wall. At ground floor the extension would measure 5.4m width x 3.3m depth and would accommodate a lean-to roof form 3.88m in maximum ridge height with 2.8m eaves. At first floor the extension would sit flush in width and projection above, albeit inset 1.6m from the shared boundary with no.6. This two storey element would accommodate a gable roof set down from the host with original matching eaves level.

The proposal would create on the ground floor, a dining room and shower room. On the first floor the proposal would create one additional bedroom.

The proposal would involve the insertion of bifold doors and a single window along the ground floor alongside a single window at first floor to the rear. A new obscure glazed (level 5) window is proposed at first floor to the side elevation to serve a bedroom.

Materials to be used throughout the proposal would include brickwork to match existing, roof tiles to match existing and Upvc windows to match existing.

Consultations & Notification Responses

Local responses

One letter of representation was received from local residents raising the following concerns:

- Works have begun on site
- First floor window would create overlooking concerns

These are material planning considerations which will be addressed in the appraisal.

- Loss of view

These are not material planning considerations.

Consultee responses

The Coal Authority – No objections. An informative is recommended.

Relevant Planning History

At the application site –

Permitted Development Rights Removed for garages and extensions through planning permission 117055/FO/2017.

Condition 22:

“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 garages or extensions (including roof alterations); shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).”

History of negotiations

The planning officer requested that the first floor side window was obscure glazed to level 5 (with top opening casement for ventilation) and the 45 degree code was shown at first floor level on proposed floor plans, to negate overlooking and to evidence that a sufficient outlook would be maintained from the nearest neighbouring habitable room window at no.6. The agent submitted revised plans by 10/08/2024 which addressed these matters.

The agent notified that works to the roof were proposed, the planning officer advised that the application property did not afford permitted development rights for extensions. Therefore advised that the rear dormer should be included in this current application. The agent stated that they would submit a subsequent application with respect to roof works.

Details of a room to let in this property have been evidenced online, this has been considered by MCC Enforcement. At this time the applicant has applied for works to a C3 dwellinghouse through a householder application, this is considered accurate to reflect the existing property use.

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)

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 (2023) 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 proposed development is a part single storey, part two storey rear extension and new first floor window to a residential dwelling, this is considered acceptable in principle as many people prefer to extend their homes rather than move in order to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity.

Impact on visual amenity and the streetscene:

The proposal seeks permission for a part single storey, part two storey rear extension and new first floor side window. The extensions would measure 3.3m in projection and be inset from the shared boundary with no.6 by 1.6m. The height of the proposed 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 extension would be designed with gable roof which is considered sympathetic to the host property. It is

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

The additional side window is not considered to impact the visual amenity of the host property and will be conditioned to be obscure glazed to protect the privacy of adjacent neighbouring properties due east on Varley Street.

It is recommended a materials condition is attached to ensure that the materials are adhered to, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and saved UPD policy DC1.

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 scheme (Rev 1B), showing the 45 degree angle maintained from the nearest habitable room window of the adjoining property no.6 and obscure glazed window to the first floor side annotated on plan, is now considered to address initial concerns relating to overdominance and overlooking raised in an objection. Given the orientation of the proposed extension due east of No.6, the first floor extension is considered to maintain sufficient outlook and allow direct sunlight into the nearest neighbouring windows. In addition, the separation distance of approx. 12.8m retained between nearest elevations of the proposed extension and properties due east (14-16 Varley Street) is considered to mitigate overdominance concerns.

As such, the revised proposal is not considered to give rise to undue impacts upon the residential amenity of neighbouring occupants. The proposal is therefore considered compliant with policies DM1 of the Core Strategy saved UDP policy DC1.

Highways:

The proposed development would not interfere with the existing parking provision on street, 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: 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 window at first floor to the side. Amended plans were submitted showing an obscure glazed (level 5) top opening casement window, as such 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

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

- 'Proposed plans and elevations', numbered 'JAM-02-20 REV 1B', stamped as received by the City Council as Local Planning Authority on the 10/08/2024.

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

The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing dwellinghouse in type, size, colour and texture.

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. Obscure glazing

Notwithstanding the fenestration details annotated on the submitted plans, the first floor side window, to serve the bedroom, as shown on the approved 'Proposed Plans and Elevations, numbered JAM-02-20 REV 1B', stamped as received by the City Council, as Local Planning Authority on 10 August 2024, shall be obscure 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 policies SP1 and DM1 of the Core Strategy.

Informative

1. Coal Authority –

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit to enter or disturb our property could result in the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Appendix 1 – List of consultees & neighbours notified

The Coal Authority

7 James Leach Vc Road, Manchester, M40 7PW
3 James Leach Vc Road, Manchester, M40 7PW
5 James Leach Vc Road, Manchester, M40 7PW
56C Farnborough Road, Manchester, M40 7NH
12 Varley Street, Manchester, M40 8BW
6 James Leach Vc Road, Manchester, M40 7PW
14 Varley Street, Manchester, M40 8BW
16 Varley Street, Manchester, M40 8BW
18 Varley Street, Manchester, M40 8BW
8 Varley Street, Manchester, M40 8BW
56D Farnborough Road, Manchester, M40 7NH
10 Varley Street, Manchester, M40 8BW
83 Winstanley Road, Manchester, M40 7WJ

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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA