MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141358/FH/2024
Date registered valid:	24 October 2024
Proposal:	Erection of single storey rear extension to form additional living accommodation
Address:	58 Elsham Gardens, Manchester, M18 7DJ
Ward(s):	Longsight Ward
Applicant:	Mr M Ilyas
Agent (if any):	Mr D King, NK Architectural
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	16 December 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 November 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 31 October 2024 Expired: 21 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of site / building / area

58 Elsham Gardens is a two-storey mid-terrace dwellinghouse along a row of six properties, within a predominantly residential area of properties of similar type. The application property benefits from amenity space to the front and rear elevations, a front driveway, including boundary treatment.

There is an existing shared access/ginnel between the application site and no. 56 Elsham Gardens which leads to separate gated access to the rear garden of each property.





(Officer's site visit 04.11.2024)

The existing rear garden is relatively deep, measuring approximately 13.0 metres from the rear building line of the application dwellinghouse to the rear boundary fence.

Within the rear garden of the application site is 1no. outbuilding, sited along the common shared boundaries with no. 60 Elsham Gardens and no. 8 Shelford Avenue. The separation distance between the outbuilding the rear elevation of the main house is approximately 8.2 metre.

Site History

o No record.

Description of development

The submitted plan relates to a single storey rear extension.

In the case of this application, clarification was sought from the planning agent regarding the submitted proposed elevational drawing - (drawing number A104) and the title description references to loft conversion and new dormer. Revised plans were subsequently submitted by the agent, (dated, 16/12/24).

The proposed single storey rear extension would be stepped away from the common shared boundary with no. 60 Elsham Gardens approximately 114mm to leave a small gap from this boundary. It would project from the rear building line of the original dwelling and along this boundary approximately 4038mm deep. It then comes forward of the common shared boundary with no. 56 Elsham Gardens approximately 4826mm wide, then returns forward of the rear building line of the original dwelling approximately 4038mm deep; whilst maintaining a minimum distance of approximately 492mm and maximum distance of approximately 820mm from this boundary. The proposed height of the extension would not exceed 3428mm.

The existing side access / shared ginnel with no. 56 Elsham Gardens would be unaffected.

The proposed extension would comprise of a pitch roof and would include windows and 1no. door along rear elevation. It is intended to use matching materials.

The submitted plan indicates the siting and storage location of a covered wheel bin store along the front garden.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

POLICY

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

1. The National Planning Policy Framework (NPPF), (July 2021):

- Chapter 12: Achieving well-designed places.

2. Places for Everyone (2022 e- 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 polices are considered to be relevant:

- JP-S1 - Sustainable development

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

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

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:

- Chapter 2: Design

ISSUES

In this instance, clarification was sought from the planning agent regarding the submitted proposed elevational drawing - (drawing number A104) and the anomalies in terms of reference to loft conversion and new dormer on the title description. Revised plans were subsequently submitted by the agent, (dated, 16/12/24).

Principle

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. Therefore, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey rear extension) - In the case of this application, as previously outlined, the existing rear garden is relatively deep, measuring approximately 13.0 metres from the rear building line of the application dwellinghouse to the rear boundary fence. The existing outbuilding along rear garden also maintains a separation distance of approximately 8.2 metres from the rear elevation of the main house, and the existing side access / shared ginnel with no. 56 Elsham Gardens would be unaffected by the proposal; therefore, in light of the of the existing contextual relationship along the boundaries, it is considered that the resultant contextual relationship of the proposal being stepped away from the side boundaries, and due to the fact that the proposal would be contained within the curtilage of the application site; it is not considered that the proposed scale would be unduly overbearing, overshadowing or present any loss of privacy impacts or result in a loss of light. Moreover, whilst the proposed rearward projection at approximately 4038mm is (388mm) in excess of the guidance set out in saved UDP policy DC1.3 a) regarding rearward extensions, it is within the limitations for a larger homes extension application and therefore this variance could be accommodated in this location in the instance. For these reasons, and on balance, and subject to planning conditions, the proposed development is considered to be acceptable.

Impact of works (Design and appearance) - The proposed development is considered to be acceptable in design terms as it would be informed by similar development within the immediate neighbourhood, and it is also intended to match materials with those of the existing building. However, a materials condition has been attached to ensure that materials are adhered to; pursuant with The Manchester Core Strategy Development Plan Document Policies SP1 and DM1 and saved Policies DC1 of the Unitary Development Plan.

Impact of works (Car parking) - The existing arrangement would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Impact of works (Waste management) - It is intended to locate a timber frame covered bin store along the front garden - (Proposed Elevations, drawing number A104, Rev A, received by the City Council as the Local Planning Authority on 16 December 2024). Wheeled bins would be stored in this location and brought to the back of pavement on collection days; pursuant with The Manchester Core Strategy Development Plan Document policy DM1, EN19; and saved policy DC1 of the Unitary Development Plan.

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, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and no comments or objections have been received in response to this application from local residents.

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, clarification was sought from the planning agent regarding the submitted proposed elevational drawing - (drawing number A104) and the title description references to loft conversion and new dormer. Revised plans were subsequently

submitted by the agent, (dated, 16/12/24). The local planning authority had no other issues to raise with the agent but have attached appropriate conditions 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:

o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 24 October 2024.

o Existing & Proposed Floor Plans, drawing number A110, received by the City Council as the Local Planning Authority on 24 October 2024.

o Existing Elevations, drawing number A101, received by the City Council as the Local Planning Authority on 24 October 2024.

o Proposed Elevations, drawing number A104, Rev A, received by the City Council as the Local Planning Authority on 16 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 Core Strategy (2012).

3) The external facing materials to be used on the single storey rear extension hereby approved shall comprise of matching facing bricks and roof tiles and shall match those of the existing dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the approved drawings.

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 Manchester's Local Development Framework: 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 single storey rear extension hereby approved other than those shown on:

o Existing & Proposed Floor Plans, drawing number A110, received by the City Council as the Local Planning Authority on 24 October 2024.

o Proposed Elevations, drawing number A104, Rev A, received by the City Council as the Local Planning Authority on 16 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

6) Wheeled bins shall be stored in a fully covered, timber frame wheel bin store along the front garden, in the specified location and as shown on: Proposed Elevations, drawing number A104, Rev A, received by the City Council as the Local Planning Authority on 16 December 2024; and only brought to the back of pavement on collection days, and this arrangement shall remain so in perpetuity, and be maintained.

Reason - In the interests of residential and visual amenity; pursuant with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies EN19, DM1 of the Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

6 Shelford Avenue, Manchester, M18 7DE
10 Shelford Avenue, Manchester, M18 7DE
60 Elsham Gardens, Manchester, M18 7DJ
56 Elsham Gardens, Manchester, M18 7DJ
8 Shelford Avenue, Manchester, M18 7DE

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