MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140880/FH/2024
Date registered valid:	17 September 2024
Proposal:	Erection of a part two/part single storey rear extension
Address:	2 Britnall Avenue, Manchester, M12 4DH
Ward(s):	Ardwick Ward
Applicant:	Dr Owoicho Okpe
Agent (if any):	Mr Adam Mokhtar, Diogel Architecture
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	11 November 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 9 October 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 25 September 2024 Expired: 16 October 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

The application relates to a three storey, pitched roof, end-terraced property within a predominately residential setting in Ardwick ward. The application site is along a corner plot, at the junction of Britnall Avenue and Cochrane Avenue, and therefore, is visually prominent along the highway.

The site benefits from amenity space along the front, side and rear, including boundary treatment, whilst incorporating a gated access along the gable elevation. The existing depth of rear garden is approximately 5.2 metres deep.



(Officer's site visit, 09.10.2024)

The existing boundary treatment (approximately 1.8 metre high) runs along the side boundary of the curtilage of the property, and along Cochrane Avenue, and along the rear boundary, which also forms the side boundary to no.28 Cochrane Avenue. Whilst no.28 Cochrane Avenue is a two storey building, its front garden and driveway runs along the rear boundary of the application site. Therefore, as a consequence of this pre-existing contextual relationship, the rear garden of the application site is broadly aligned with the front garden and driveway of no.28 Cochrane Avenue, whilst maintaining a separation distance of approximately 6.8 metres between the two properties.

Site History:

- 140305/PDE/2024 - Prior notification of proposed larger home extension projecting 4.3m to the rear, with a maximum height of 3.56m and a height at eaves of 2.58m, TAWAY - Turned Away (Legislative), 29.07.2024

- 120923/FH/2018 - Proposed erection of a single storey extension to the side and rear of the existing dwellinghouse to provide additional living accommodation, APPROVED, 13.05.2019

- 117828/FH/2017 - Erection of single storey side and rear extension to form additional living accommodation, WITHDRAWN, 11.01.2018

- No pre-application advice was sought from the local planning authority in relation to this application

Description of development

The submitted application proposes a part single, part two storey rear extension.

The submitted plan would include a proposed elevation alteration involving removal of 1no. door with replacement new window along the ground floor side elevation (facing the common shared boundary with no. 4 Britnall Avenue) to serve a bedroom.

The planning agent was advised early on during the application process that there were significant concerns with the submitted plan. Correspondence was sent to the planning agent, (dated, 30/10/24) expressing the concerns relating to the proposal and requesting confirmation regarding how they wished to proceed with the application within specified timescales. The planning agent has subsequently confirmed that they wish for the application to be determined on the basis of the submitted information, (correspondence dated 04/11/24). The proposal cannot be supported in its current form and therefore will be recommended for refusal.

The proposal along the ground floor would be sited along the common shared boundary with 4 Britnall Avenue, whilst being flush with the side building line (gable elevation) of the application dwellinghouse and would measure approximately 4300mm deep x 5830mm wide x 3560mm maximum height. The proposed depth of rear garden to be retained would be approximately 900mm deep. This element would incorporate a lean-to pitched roof design; together with 2no.windows along the roof elevation and bi-fold doors along the rear elevation.

The proposed first floor element is essentially an in-fill development and would serve as a bathroom. It would be sited along the common shared boundary with 4 Britnall Avenue and the

existing first floor rear bedroom of the application dwelling and would measure approximately 2403mm deep x 1950mm wide x 2470mm maximum height. It would also comprise of a lean-to pitched roof design; together with 1no.window along the rear elevation. It is intended to use external facing materials to match the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations have been received in response to this application from local residents.

POLICY

The following guidance, policy and legislation are considered to be relevant to the proposed development.

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

2. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

3. 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 polices are considered to be relevant:

- JP-S1 - Sustainable development

4. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 (`the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following Core Strategy policies are relevant to the proposed development:

- 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)

5. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

6. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 -

- Chapter 2: Design

Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

ISSUES

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2 and DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

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 proposed ground floor rearward projection, overbearing massing impact, overdevelopment of the rear curtilage, coupled with the resultant visual intrusion along front garden and driveway of no.28 Cochrane Avenue; which means the application cannot be approved. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

Residential and Visual Amenity

Having assessed the submitted plan, and on balance, the proposed extension is deemed to conflict with saved policy DC1 of the UDP, and policy DM1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Consideration has been given as to whether the scale, massing, design and appearance of the proposed extension is acceptable. In addition, consideration has been given to any impact the proposed extension may have on the residential and visual amenity of neighbouring occupiers.

As previously stated, the pre-existing housing layout arrangement between the application site and no.28 Cochrane Avenue is a significant issue of concern. The front garden and driveway of no.28 Cochrane Avenue runs along the rear boundary of the application site. Therefore, as a consequence of this contextual relationship, the rear garden of the application site is broadly aligned with the front garden and driveway of no.28 Cochrane Avenue, whilst maintaining a separation distance of approximately 6.8 metres between the two properties. The proposal would project approximately 4300mm deep forward of the common shared boundary with no.28 Cochrane Avenue; whilst retaining a distance of approximately 900mm from this boundary. Notwithstanding the existing boundary fence - (approximately 1.8m high), and in light of the permitted development fallback position, it is considered that in this instance, given the pre-existing housing layout arrangement with no.28 Cochrane Avenue, the proposed 4300mm rearward projection, coupled with the resultant scale and mass of built form, coming forward of the front garden and driveway would be unduly visually intrusive and overbearing for the current and future occupiers of the neighbouring property.

Moreover, the resultant separation distance between the rear elevation of the proposed extension and no.28 Cochrane Avenue (at approximately 2.5 metres); combined with the proposed fenestration design along this elevation, involving the magnitude of glazing presents significant adverse impact to the privacy of the current and future occupiers of the neighbouring property; specifically, no. no.28 Cochrane Avenue.

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

Conclusion

In this instance, it is considered that the proposed extension does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that given the pre-existing contextual relationship along the rear boundary, the proposed 4300mm rearward projection, would present an overbearing massing impact, and would result in overdevelopment of the rear curtilage, coupled; with the resultant visual intrusion along front garden and driveway of no.28 Cochrane Avenue; which is contrary to The National Planning Policy Framework (2021) chapter 12; policy DM1 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 cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal, therefore, cannot be supported by the Local Planning Authority.

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: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. The planning agent has subsequently confirmed that they wish for the application to be determined of the basis of the submitted information, (correspondence dated 04/11/24). The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed extension by reason of the proposed 4300mm rearward projection and the resultant contextual relationship along the common shared boundary with no.28 Cochrane Avenue, would present an overly large mass of built form, resulting in overdevelopment of the rear curtilage, coupled; with the visual intrusion along front garden and driveway of no.28 Cochrane Avenue, and as such, is contrary to The National Planning Policy Framework (2021) chapter 12; policy DM1 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).

2) The resultant separation distance between the rear elevation of the proposed extension and no.28 Cochrane Avenue (at approximately 2.5 metres); combined with the proposed fenestration design along this elevation, involving the magnitude of glazing presents a significant adverse impact to the privacy of the current and future occupiers of the neighbouring property; and as such is contrary to The National Planning Policy Framework (2021) chapter 12; policy DM1 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).

3) The proposed extension by reason of the proposed 4300mm rearward projection would result in overdevelopment of the rear garden, creating a lack of amenity space to the detriment of the current and future occupiers; and as such is contrary to The National Planning Policy Framework (2021) chapter 12; policy DM1 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).

Appendix 1 – List of consultees & neighbours notified

26 Cochrane Avenue, Manchester, M12 4RN
65 Cochrane Avenue, Manchester, M12 4RL
59 Cochrane Avenue, Manchester, M12 4RL
63 Britnall Avenue, Manchester, M12 4PP
28 Cochrane Avenue, Manchester, M12 4RN
69 Cochrane Avenue, Manchester, M12 4RL
67 Cochrane Avenue, Manchester, M12 4RL
63 Cochrane Avenue, Manchester, M12 4RL
61 Cochrane Avenue, Manchester, M12 4RL
65 Britnall Avenue, Manchester, M12 4PP
4 Britnall Avenue, Manchester, M12 4DH

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