

Planning

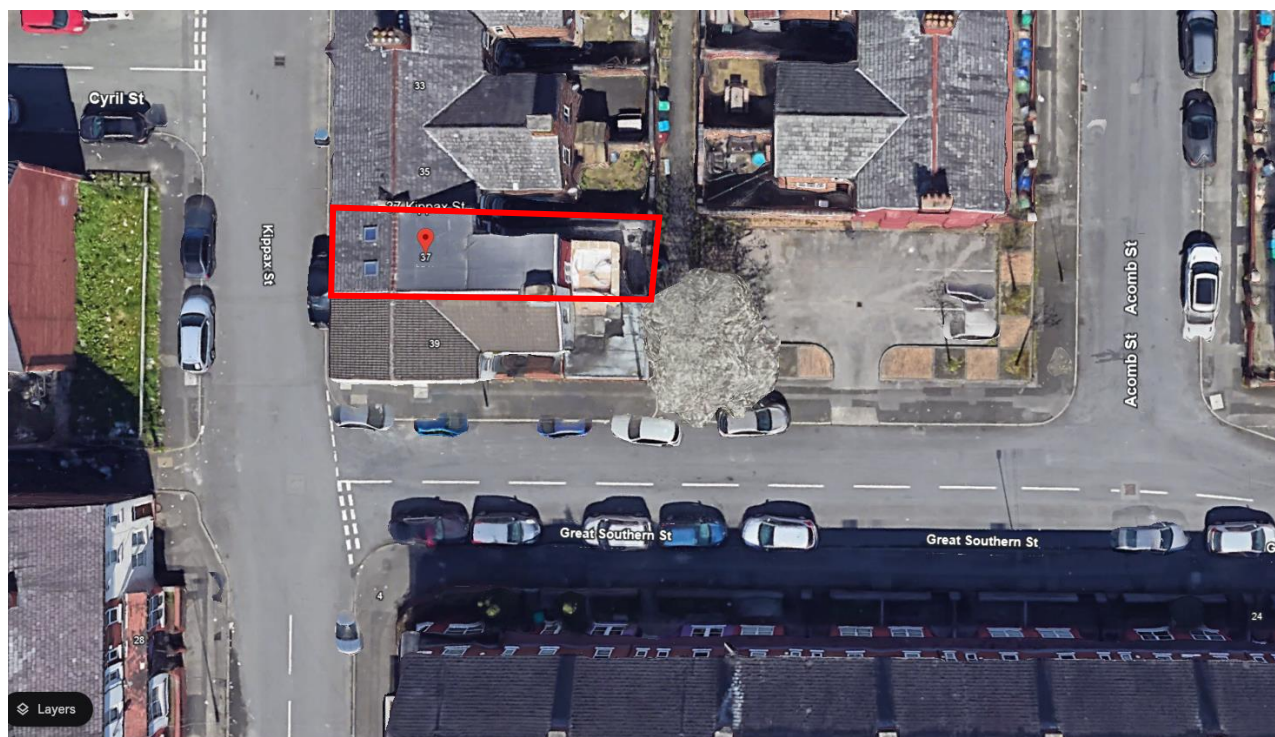
Growth & Development

Delegated officer report for planning application

Application no. 140457/FH/2024
Date registered valid: 2 August 2024
Proposal: Erection of a first-floor extension to replace the existing roof terrace.
Address: 37 Kippax Street, Manchester, M14 4EX
Ward(s): Moss Side Ward

Applicant: Mr Ali Said
Agent (if any): Mr M Ahmed, M1 Architecture Ltd
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: REFUSE
Date of recommendation: 23rd September 2024



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13 August 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 August 2024 Expired: 31 August 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 site/building relates to a two storey mid terraced property in Moss Side ward area of Manchester. The site features a two storey rear outrigger with full roof dormer and single storey rear extension. The roof of the rear extension is flat which allows roof top use as a terrace via rear doors on the first floor. There is limited amenity space retained to the rear.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature

Description of development

The applicant is seeking planning permission for the erection of a first-floor extension to replace the existing roof terrace.



Consultations & Notification Responses

Local residents/public opinion – No comments, objections or representations in support of the application have been received.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles

- o Policy EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

Places for Everyone Plan (2022 - 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

JP-S1: Sustainable Development

JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider this proposal does not accord with the principles of this policy.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (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, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) 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 (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application. On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Plans considered

The plans considered as part of this proposal are as follows:

Received 8th July 2024 numbered 2179 01 Existing Plans and Elevations

Received 2nd August 2024 numbered 2179 02 Proposed Plans and Elevations

History relating to 37 Kippax Street

122800/FH/2019 - Application Returned - Installation of dormer extension to the rear

114248/FH/2016 - Application Withdrawn - 16.02.2017 - Installation of dormer to rear to form additional living accommodation

115382/LP/2017 - Application Approved - 10.04.2017 - Certificate of lawfulness for the proposed installation of a rear dormer,

Residential Amenity

The applicant is seeking planning permission for the erection of a first-floor extension to replace the existing roof terrace.

The proposed first floor extension would project 2.730m from the rear wall of the outrigger along the shared boundary with no. 39 Kippax extending a width of c.3.3m the width of the outrigger. The roof would be hipped and set down from the ridge height of the outrigger. A window would be situated on the rear wall; no windows are proposed on the side elevations

It is considered that the overall size, projection, scale, design and siting along the shared boundary, given the existing relationship with no. 39, is considered to give rise to providing an overbearing presence to the detriment of residential amenity of the occupiers of this property.

The City Council consider that the introduction of a first floor structure in this location would be unsatisfactory with a visible appearance that is uncharacteristic to the surrounding properties within the area.

Overall, given the orientation of the application site and its relationship to the neighbouring properties, it is considered that the proposal would provide an overbearing structure which would be out of character with the area leading to the loss of residential amenity currently being enjoyed by the occupiers of the adjacent properties. The proposal is therefore considered would conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed extension is believed to provide an overbearing impact upon the residential amenities of the adjoining properties and is not considered to be an acceptable addition to the original house and therefore, it is considered that the proposal would provide an overbearing structure which would be out of character with the surrounding properties in the area.

It is therefore considered that the scale and mass of the proposed extension is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered to be unacceptable having regard to the existing and surrounding properties in the area. The proposal results in a design which goes against design principles as set out in policy EN1 having an impact on the specific character of the area.

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and saved policy DC1 and in general the design is not considered to be acceptable.

Waste management

Would be unaffected by the proposal.

Parking

Parking is unaffected by this proposal.

Conclusion

It is considered that the proposal would provide visual harm to the occupiers of the adjoining properties by way of appearance, bulk and mass and if approved would provide an overbearing and detrimental impact on the residential amenity of the occupiers of the adjoining properties and the character of the area and therefore does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy.

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: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The proposed development by reason of its siting, scale, appearance and proximity to the common boundary would have an over dominant and intrusive feature to the detriment of the

occupiers of the adjoining property forming an expanse of brickwork along the boundary and would be out of character with the surrounding properties in the area. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policies DC1 and the guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

182 Acomb Street, Hulme, Manchester, M14 4DZ
186 Acomb Street, Hulme, Manchester, M14 4DZ
184 Acomb Street, Hulme, Manchester, M14 4DZ
18 Cyril Street, Manchester, M14 4EY
39 Kippax Street, Manchester, M14 4EX
35 Kippax Street, Manchester, M14 4EX
33 Kippax Street, Manchester, M14 4EX
31 Kippax Street, Manchester, M14 4EX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moss Side)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA