

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140815/FH/2024
Date registered valid: 19 August 2024
Proposal: Erectionn of a two storey side and part two, part single storey rear extension
Address: 29 Melling Street, Manchester, M12 4PH
Ward(s): Longsight Ward

Applicant: Mr Shahin Miah
Agent (if any): Mr V Alyas Architek
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 13 October 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 18 September 2024

Standard consultations:

Printed: 28 August 2024 Expired: 18 September 2024

Neighbour notifications

Printed: 28 August 2024 Expired: 18 September 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 site is a quasi-semi / end-terraced dwellinghouse along a row of four properties in the Longsight ward of Manchester. There is existing amenity space along the front, side - (with gated access) and rear. The front amenity is significantly hard surfaced and serves as off street car parking - although the existing depth of car parking space is approximately 5.2 metres.



(Officer's site visit, 18.09.2024)

The existing rear garden has also been significantly hard surfaced and is relatively deep, measuring approximately 13.4 metres. A gated alleyway runs along the side boundary (western elevation). Immediately abutting this alleyway are the gable elevations of the end terrace properties of no.25 Melling Street and no.28 Blakey Street. In light of the pre-existing housing layout arrangement of these houses, the existing separation from no.28 Blakey Street is approximately 9.6 metres (first floor window to window).

The rear of the application site is also north facing, and therefore, there is a pre-existing loss of light issue along this elevation during most daylight hours.

The immediate area is predominantly residential in character; to the east of the application site is Pink Bank Lane, and to the west Northmoor Road and Stockport Road offering a mix of uses.

Site Planning History

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

Description of development

The submitted application relates to a proposed 2-storey side extension, and part single, part 2-storey rear extension.

Concerns were expressed to the planning agent regarding the resultant overbearing massing impact, subservience not having been sufficiently demonstrated, the potential for overshadowing, coupled with the adverse impact to privacy. In addition, in terms of the proposed gated access along the side boundary along the alleyway elevation to facilitate the proposed refuse management arrangements, further clarification was requested due to the existing elevated boundary treatment, it was unclear how this proposed arrangement would sufficiently work; and therefore, on the basis of the submitted sets of plans, the agent was advised that application could not be supported.

It was therefore requested the agent confirms how they wished to proceed with the application, within specified timescales. No further communication has been received from the agent; therefore, the application will be determined on the basis on the information available and recommended for refusal in this instance.

The proposed extension along the ground floor would be stepped-away approximately 127mm from the common shared boundary with the alleyway along the western elevation, whilst being flush with the front building line of the host dwelling and would maintain a proposed width of approximately 2000mm along the front elevation. It would then project approximately 7077mm along the side boundary and come forward of the side elevation of the host dwelling approximately 1322mm wide. It then projects in a straight line into the rear garden approximately 6000mm deep, then comes forward of the common shared boundary with no. 31 Melling Street approximately 7303mm wide, then returns forward of the rear building line of the

host dwelling approximately 6000mm deep, whilst retaining a small gap of approximately 236mm from this boundary. This element would comprise of hip roof with the maximum proposed height of the roof measuring approximately 3877mm. It would incorporate 1no. window along the front elevation, 1no. window along the side elevation, together with 3no. windows and bi-fold doors along the rear elevation.

Along the first floor, the proposed extension would also be stepped-away approximately 127mm from the common shared boundary with the alleyway along the western elevation, whilst being flush with the front building line of the host dwelling and would maintain a proposed width of approximately 2000mm along the front elevation. It would then project approximately 7077mm along the side boundary and come forward of the side elevation of the host dwelling approximately 1322mm wide. It then projects in a straight line into the rear garden approximately 3183mm deep, then comes forward of the common shared boundary with no. 31 Melling Street approximately 5468mm wide, then returns forward of the rear building line of the host dwelling approximately 3183mm deep, whilst retaining a distance of approximately 2030mm from this boundary. This element would comprise of hip roof with the proposed roof ridge flush with the existing roof ridge along the front elevation. It would incorporate 1no. window along the front elevation, and 2no. windows along the rear elevation.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objection, comment, or representation were received.

2. Environmental Health

No comments regarding the application on this occasion.

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 policies 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)

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, 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

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 the proposed overbearing massing impact, subservience not having been sufficiently demonstrated, the potential for overshadowing, coupled with the adverse impact to privacy. In addition, in terms of the proposed gated access along the side boundary along the alleyway elevation to facilitate the proposed refuse management arrangements, further clarification was requested from the planning agent as it was unclear how this proposed arrangement would sufficiently work, 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 proposal, and on balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1, SP1 and EN19 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).

As previously stated, a gated alleyway runs along the side boundary (western elevation). Immediately abutting this alleyway are the gable elevations of the end terrace properties of no.25 Melling Street and no.28 Blakey Street. In light of the pre-existing housing layout arrangement of these houses, the existing separation from no.28 Blakey Street is approximately 9.6 metres (first floor window to window), and therefore the proposed first floor extension coming forward of no.28 Blakey Street, the resultant separation distance is considered to unduly impact on the privacy of those occupiers, which is contrary to saved UDP policy DC1.2 b) and policy DM1 of the Core Strategy.

The rear of the application site is also north facing, and therefore, there is a pre-existing loss of light issue along this elevation during most daylight hours. It is therefore considered that the resultant overbearing massing impact of the proposal along the first floor side boundary with no.31 Melling Street would exacerbate this pre-existing issue and the potential for due overshadowing during most daylight hours would be even more so significant if the proposed

extension were to be allowed, which is contrary to saved UDP policy DC1.2 b) and policy DM1 of the Core Strategy.

The proposed ground floor rearward projection at approximately 6000mm is also (2350mm) in excess of the guidance set out in saved UDP policy DC1.3 a) regarding rearward extensions. The proposed cumulative impact of this projection, coupled with the proposed first floor rearward projection is considered to create an overbearing, visually oppressive outlook for the neighbouring occupiers, which is contrary to saved UDP policy DC 1.1b) DC1.2 a) and policy DM1 of the Core Strategy.

In addition, although the existing gated side access would be lost to accommodate the proposed side extension element, the submitted plan proposes a gated access along the side boundary, along the alleyway elevation to facilitate the refuse management of wheeled bins. However, given the existing elevated boundary treatment, it has not been sufficiently demonstrated how this approach would work, and therefore, it is considered that the proposed development does not respond positively policies DM1 and EN19 of The Manchester Core Strategy Development Plan Document.

Moreover, it is considered that the submitted plan does not sufficiently demonstrate a subservient extension to the host dwelling. This is further exacerbated by the design of the proposed roof ridge to appear as one seamless dwellinghouse, thereby creating an outlook that would be excessively large resulting in a structure which would not be seen as subservient to the original dwellinghouse; contrary to saved UDP policy DC1.1 d), DC1.2 a); policy DM1, SP1, and EN1 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 the proposal 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 the proposed overbearing massing impact, subservience not having been sufficiently demonstrated, the potential for overshadowing, together with the adverse impact to privacy, coupled with refuse management arrangements not having been sufficiently demonstrated, it is therefore considered that the proposed development does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1, SP1, EN1, EN19 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 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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. 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 resultant overall cumulative mass of built form coming forward of and in such close proximity to the first floor common shared boundary with nos. 31 Melling Street and 28 Blakey Street would create an overbearing and visually oppressive feature in terms of outlook from the neighbouring properties and gardens; contrary to the provisions of policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed extension by reason of the resultant overall mass and cumulative impact of built form projecting along common shared boundary with no.31 Melling Street, coupled with the proposed 6000mm and 3183mm rearward projections, would unduly overshadow and result in a significant loss of light for those occupiers and future occupiers of no. 31 Melling Street, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions and policy DM1 of Manchester's Core Strategy Development Plan Document (2012).

3) The proposed two storey side extension element, by reason of the design of the proposed roof ridge to appear as one seamless dwellinghouse, thereby creating an outlook that would have an unduly harmful impact in relation to design and appearance, which is contrary to the City Council's Planning Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) - Chapter 2: Design; Policy JP- S1 of Places for Everyone (2024) and chapter 12 of the National Planning Policy Framework (2012).

4) The proposed window along the first floor rear elevation by reason of it coming significantly forward of no.28 Blakey Street, together with the resultant separation distance is considered to unduly impact upon the privacy of the occupiers of neighbouring property, resulting in the loss of amenity of the current and future occupiers; contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions, and policies SP1 and DM1 of Manchester's Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

26 Blakey Street, Manchester, M12 5QF
33 Melling Street, Manchester, M12 4PH
5 Fencot Drive, Manchester, M12 4PJ
3 Fencot Drive, Manchester, M12 4PJ
15 Fencot Drive, Manchester, M12 4PJ
11 Fencot Drive, Manchester, M12 4PJ
28 Melling Street, Manchester, M12 4PH
27 Melling Street, Manchester, M12 4PH
25 Melling Street, Manchester, M12 4PH
13 Fencot Drive, Manchester, M12 4PJ
1 Fencot Drive, Manchester, M12 4PJ
35 Melling Street, Manchester, M12 4PH
34 Melling Street, Manchester, M12 4PH
32 Melling Street, Manchester, M12 4PH
31 Melling Street, Manchester, M12 4PH
30 Melling Street, Manchester, M12 4PH
28 Blakey Street, Manchester, M12 5QF
27 Blakey Street, Manchester, M12 5QF
25 Blakey Street, Manchester, M12 5QF
9 Fencot Drive, Manchester, M12 4PJ
7 Fencot Drive, Manchester, M12 4PJ
26 Melling Street, Manchester, M12 4PH

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