

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140605/FH/2024

Date registered valid: 7 August 2024

Proposal: Erection of a single storey side extension to provide additional living accommodation and retention of single storey rear extension.

Address: 186 The Fairway, Manchester, M40 3NJ

Ward(s): Moston Ward

Applicant: Ernesto Solis Armario Teresa de Jesus Ruiz Martin

Agent (if any): Tomislav Vuletic Flocc Studio Ltd

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 October 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 August 2024

Standard consultations:

Printed: 20 September 2024 Expired: 27 September 2024

Neighbour notifications

Printed: 20 September 2024 Expired: 27 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

The application site relates to 186 The Fairway within the north Manchester ward of Moston. The application site relates to a semi-detached, two storey, red brick dwellinghouse with gable roof formation and a front outrigger functioning as a front porch. The property is a modern development (see planning ref: F02864, approved 1975). Amenity space consists of an off street paved parking area and soft landscaping which extends alongside the property and is open to no.184. Amenity space to the rear is enclosed and consists of a grassed garden with a conservatory.

Description of area

The surrounding area is residential in nature and the railway line and Moston Fairway Nature Reserve sits to the west of the application site.

Description of development

Planning permission is sought for the erection of a single storey side extension to provide additional living accommodation and the retention of single storey rear extension.

The single storey side extension would align with the primary elevation of the host property and extend the length of the existing property. The proposal would create a store, bedroom and

toilet and would have approximate dimensions of Height: 3.8 x Length: 9.2 x Width: 2.3 metres, with a hipped roof. The side extension would incorporate two rooflights in the roof slope, a double door access within the front elevation and a further window within the rear elevation.

Materials to be used throughout the proposal would match those within the host property.

The existing single storey rear extension (conservatory) would be retained as part of the proposal. The date of its construction is unknown. The conservatory has approximate dimensions of Height: 3.5 x Length: 3 x Width: 3.5 metres. The conservatory benefits from glazing from all elevations, except from that with the adjoining semi, with a red brick construction.

Negotiations during the course of the Application

During the course of the application consideration was given to the materials and design of the door to be inserted in the front elevation and bin store provision.

The agent was asked to confirm the planning status for the existing conservatory. As part of the planning approval for the development of the wider estate, a condition restricts development to the rear of proposed P. 10s type dwelling houses without the prior consent of the Council (see planning history for further details). It is unclear whether this property relates to a P.10 type property given the historic nature of the development of the estate. The applicant could not provide any details. The agent could not confirm the date the rear extension was constructed. As such, the agent requested the rear extension be included within the description of development and a short re-notification period was undertaken accordingly.

Planning History

F02864- The Fairway Development, Phase IV, Moston- a) Erection of 180 bungalows and houses. b) Erection of 4 shops.

Approved 30 July 1975.

The following condition restricts future development at the property:

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1973, as amended, no building extensions shall be erected to the rear of the proposed P. 10s type dwelling houses without the prior consent of the Council.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Environmental Health

Environmental Health were consulted on the application and requested the following condition be attached to any approval granted:

GAS01 New applications for extensions

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of

landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

Environmental Health reviewed the information relating to a gas membrane supplied by the agent and made the following comments:

The plan drawing is fine, but the applicant needs to confirm which membrane will be installed. It must protect against carbon dioxide and methane.

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;

- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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 Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted development application is for the erection of a single storey side extension to provide additional living accommodation together with the retention of single storey rear extension. It is unclear whether this property is a P10 house type referenced in the planning approval for the development of the wider estate, which was subject to the removal of permitted development rights or not. As such the applicant has applied for consent for the proposed side extension and retention of the conservatory to the rear, and the application has been assessed as a householder application. The scheme is considered acceptable as many people prefer to alter or extend homes, rather than move, 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.

Visual/ Residential Amenity

No.188 The Fairway would be impacted only by the rear conservatory, which is proposed to be retained, given the proposed side extension does not come any further forwards than the existing rear building line for the host property. In regard to the rear conservatory, the neighbour also benefits from a 3 metre rear conservatory. As such, the proposal does not give rise to an overbearing feature nor any loss of light implications. Given the elevation of the conservatory against the shared boundary with the adjoining semi detached house comprises a blank brick wall, there is no potential for the loss of privacy to the neighbouring occupiers to occur .

The common boundary with no.184 The Fairway is sited approximately 2.7 metres from the built form of the conservatory. As such, although the conservatory is visible from the neighbour's rear garden, the proposal is sited at an adequate distance and is of a small scale to not be considered overbearing. Although glazing is inserted within the conservatory facing the direction of the neighbour, given the distance and the low boundary treatment separating the two properties any overlooking is not considered so significant to warrant refusal of the development.

No.184 The Fairway would experience additional built form up the common boundary in between the side elevations of the respected properties. The neighbour's space is open and there is no boundary treatment separating the two properties. Given the space as existing is open, the side extension would not give rise to any adverse privacy implications and no windows would be inserted in the side elevation facing into the direction of the neighbour. A further condition would be attached to any approval granted restricting the further insertion of windows and doors beyond those approved within this consent. Due to the existing use of the space, the proposal would not give rise to an overbearing feature nor any loss of light implications.

The side extension would be visible from the streetscene and the proposal would align with the primary building line of the property. Given the proposal would be single storey and given the introduction of similar side extensions in the immediate area, the proposal would not give rise to a visually intrusive feature.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity, as such the proposal is considered compliant to policy DC1 of the UDP and Core Strategy policies SP1 and DM1.

Design and Appearance

Side extension:

During the course of the application, concern was raised in regard to the formation of the proposed double doors to the front elevation of the proposed side extension which open onto the driveway. Given the existing front door, this could create an incongruous feature and not reflect well with the subservient feature of the single storey side extension. Consideration was given by the agent to other design options, however, the options presented were considered to be inappropriate in the context of the dwellinghouse and were not proceeded with. Annotated on the plans, the extension would be utilised for the storage of bikes. As such, given this and given the extension could be achieved through the route of permitted development with no restriction on the design or placement of windows and doors, in this instance the door is not considered to create such an adverse design to warrant a refusal on the scheme. On balance, the double door arrangement is considered acceptable in this instance.

The materials to be used for the side extension would match the host property and therefore be considered to create a sympathetic addition to the property and streetscene. A materials condition to this effect would be attached to any approval granted.

Rear conservatory:

The rear conservatory has a projection of 3 metres and extends across the width of the host property. Given permitted development rights for semi-detached properties is 3 metres, the projection is considered acceptable. Furthermore, the development would comply with policy DC1.3 of the UDP. Although windows are inserted in the side elevation facing the boundary with no.184 The Fairway, this is the standard design for a conservatory and given the distance from the side boundary, the conservatory is considered acceptable in the design and appearance of the element.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Ground conditions

The property lies proximity to a historic landfill site, and on this basis, it was recommended that a condition to require the installation of a gas membrane be attached to any approval. During the consideration of the application, however, the agent provided information to try to satisfy the requirements of this condition. The information relating to a gas membrane supplied by the agent has been reviewed, however the specification of the membrane to be used is needed in order to demonstrate it would prevent the ingress of carbon dioxide and methane into the dwellinghouse, in addition to the location of the membrane. As such, a condition relating to the installation of a gas membrane is proposed to be attached to any approval.

Car Parking

As the property is to remain a single family dwelling house, it is not considered that the proposed extension would give rise to any significant additional car parking pressures. The site plan confirms that it is still possible to park a car off street as a result of the proposal. As such, no changes to car park provision would occur and is therefore considered acceptable.

Bin Storage

As a result of the proposal, bins would need to be stored within the front amenity space of the property. Details of an enclosed timber bin store including dimensions, floor plans and elevations were provided for the structure. This is considered acceptable to ensure the bins are

securely stored and to not add visual clutter to the front of the property. The details would be conditioned accordingly within any approval granted.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

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 and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner, information has been received which is considered to overcome concerns raised and appropriate conditions have been attached to any approval granted.

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:

- Application Form, stamped as received by the City Council as Local Planning Authority on 25 July 2024.

- Proposed site plan ref: WD2.2 rev.B

- Proposed Ground Floor plan ref: WD 3.2 rev.B

- Proposed First floor plan ref: WD 3.3

- Section A-A plan ref: WD4.1 rev.A

- Proposed elevations plan ref: WD5.3 rev.C

- Proposed elevations plan ref: WD5.4 rev.A

received by the City Council as Local Planning Authority on 19 September 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

5) The bin storage arrangements shall be implemented in accordance with the details on Proposed site plan ref: WD2.2 rev.B ; Proposed Ground Floor plan ref: WD 3.2 rev.B; Proposed elevations plan ref: WD5.3 rev.C and Proposed elevations plan ref: WD5.4 rev.A received by the City Council as Local Planning Authority on 19 September 2024, and be in place prior to the first use of the development and shall be so maintained and retained at all times thereafter.

Reason - In the interests of the provision of off-street car parking, and the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

6) Notwithstanding the gas protection details shown on drawing ref; GB-21 received by the City Council as Local Planning Authority on 19 September 2024, prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environmental Health

129 The Fairway, Manchester, M40 3WA
192 The Fairway, Manchester, M40 3NJ
188 The Fairway, Manchester, M40 3NJ
184 The Fairway, Manchester, M40 3NJ
190 The Fairway, Manchester, M40 3NJ
182 The Fairway, Manchester, M40 3NJ
131 The Fairway, Manchester, M40 3WA
127 The Fairway, Manchester, M40 3WA
125 The Fairway, Manchester, M40 3WA
123 The Fairway, Manchester, M40 3WA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Site of Biological Interest - Name: Railway Siding at Failsworth
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA