MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140298/FH/2024
Date registered valid:	17 July 2024
Proposal:	Erection of single storey rear extension and installation of roof dormer to rear.
Address:	39 Toxteth Street, Manchester, M11 1EQ
Ward(s):	Clayton & Openshaw Ward
Applicant:	Mr Parwiz Basir
Agent (if any):	Mr MA Akbari db Architecture - dbarchco
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	4 October 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 26 September 2024

Standard consultations:
Printed: 5 September 2024 Expired: 26 September 2024

Neighbour notifications
Printed: 5 September 2024 Expired: 26 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 area

This application property forms part of a recently constructed housing development and relates to a two storey house that occupies a central position in a three unit terrace on the northside of the Toxteth Street. The house comprises red brickwork with a grey tiled pitched roof. The house is set within a front and rear garden. It benefits form in-curtilage car parking. A boundary treatment comprising a low wall and panel fencing separates the rear garden of the application site from a communal car park (located to the north).



Fig.1 – Views of the application site



Fig.2 – Image of the application site

Description of development

The proposed development involves:

i. The erection of a single storey flat roof extension with a height of 2.7 metres, an overall width of 5.8 metres (including fascia). It would have a rearward projection of 3 metres (increasing to 3.3 metres when the eaves fascia in taken into account). The elevation would

comprise brickwork matching the existing house. Blank brickwork would form the side elevations. The rear elevation would incorporate a three section patio door.

ii. The formation of a flat roof extension to the rear roof plane. It would be set below the ridge line. The rear elevation would incorporate a three section window set back from the eaves line by 1 metre. The roof extension would incorporate a projecting detail at eaves level. The side elevations would be set back from the respective eaves boundary lines. The extension would not exceed the volume criteria for roof extensions.



Fig.2 – Proposed ground floor and loft plan



Fig.3 – Proposed front and rear elevation

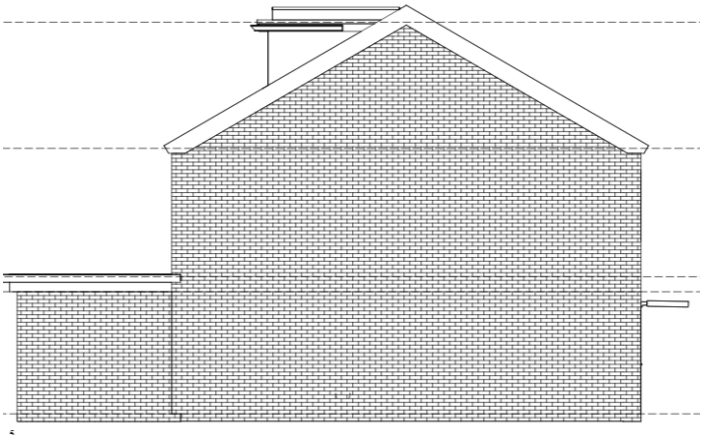


Fig.4 – Proposed side elevation

Site history

i. 123223/JO/2019: Application Approved - 07.06.2019
Land Bounded by Fairfield Road, Ashton Old Road, Alpha Street, Gransmoor Road & Toxteth Street, Manchester, M11 1FG
Application to vary Conditions 2 (specified plans) and 4 (landscaping) attached to planning permission 118530/FO/2017 to revise the boundary line to Plots 54 and 55 to allow pedestrian access to the rear gardens with associated hard and soft landscape changes, elevational changes to the Westford house type (on 26 plots within the development)and revisions to location of tree planting along Silverlace Avenue

ii. 118530/FO/2017: Application Approved - 12.06.2018
Land Bounded by Fairfield Road, Ashton Old Road, Alpha Street, Gransmoor Road and Silverlace Avenue, Manchester, M11 1FG
Erection of 91 dwellings (2,3 and 4 bed houses) and associated car parking, landscaping and boundary treatment.

iii. 080076/OO/2006/N2: Application Approved - 30.10.2006
Land Bounded by Ashton Old Road Fairfield Road and Manchester City Boundary, (Toxteth Street Neighbourhood)
OUTLINE APPLICATION for the redevelopment of the Toxteth Street Neighbourhood area, comprising the erection of a maximum of No.432 residential dwellings and means of access, with the maximum building heights of three storeys. Erection of extension to St Peters R.C High sports hall (156sq.m) and provision of three all weather pitches, multi sport area, associated landscaping and 30 parking spaces. New public open space and public realm works. Provision of new highway network with access points from Fairfield Road, Ashton Old Road, and Peel Street. Associated car parking

iv. 075235/OO/2005/N2: Application Approved - 04.10.2005
Land Bounded by Ashton Old Road Fairfield Road and Manchester City Boundary, (Toxteth Street Neighbourhood)
OUTLINE APPLICATION for the redevelopment of the Toxteth Street Neighbourhood area, comprising the erection of a maximum of No. 650 residential dwellings and means of access. Erection of a maximum of 3240 Sq. metres (gross) of commercial floorspace, (class A1 shops, A2 financial and professional services, A5 food and drink, B1 business and D1 education and community uses), with maximum building heights of three and four storeys. Erection of extension to St Peters R.C High School sports hall and provision of three all weather pitches, multi sport area, associated landscaping and 30 parking spaces. New public open space and

public realm works. Provision of new highway network with access points from Fairfield Road, Ashton Old Road, Gransmoor Avenue and Peel Street. Associated car parking.

Consultations & Notification Responses

Local residents – No comments received

Environmental Health – In the absence of a validation report confirming the implementation of the remediation strategy (approved under CDN/18/0535), it is recommended that a watching brief condition is included to address any encountered land contamination.

CADENT – No objection but request and informative advising of responsibilities when working in close proximity to its infrastructure.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.

ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.

iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant.

i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would not substantially depart from existing circumstances or harm residential amenity. Chapter 8 would thereby be accorded with.

ii. Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It further states that planning decisions should ensure that developments:

a) Will function well and add to the overall quality of the area over the lifetime of the development;

b) Are visually attractive as a result of good architecture, layout and landscaping;

c) Are sympathetic to local character and history, including the surrounding built environment.

The design of the development has been appropriately related to the style and character of the existing house and its relationship to the surrounding context. The development would thereby accord with chapter 12.

Chapter 15.Conserving and enhancing the natural environment – Regarding ground conditions and pollution, chapter 15 states that in assessing development consideration should be given to ground conditions and any risks arising from land instability and contamination. Development should be supported with appropriate mitigation measures based on site investigations undertaken by a competent person.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. The development positively responds to the following aspects of the PPG:

i. Consultation and pre-decision matters;
ii. Health and well-being.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024, and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is 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:

Policy JP-P6 – Health – States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development. It is considered that the development would result in a proportionate addition to the existing building that is appropriately related to its context. The development would not cause apparent harm to f residential amenity. Policy JP-P6 would thereby be accorded with.

Policy JP-S1 – Sustainable development – States that, to address climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. The development would improve the quality of the accommodation and encourage its sustained occupation. Policy JP-S1 would thereby be accorded with.

Policy JP-S4 – Flood risk and the water environment – States that in locating and designing development to minimise the impacts of current and future flood risk. The site is in Flood Zone 1 and appropriate surface water drainage was delivered through the development that facilitates the construction of the application property. Policy JP-S4 would thereby be accorded with.

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 aspects of the Core Strategy are relevant to the assessment of the development:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

i. The creation of neighbourhoods of choice
ii. The development should make a positive contribution to neighbourhoods of choice including:
a. Creating well designed places that enhance or create character.
b. Making a positive contribution to the health, safety and wellbeing of residents
c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
d. Protect and enhance the built and natural environment.
e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the development would relate appropriately to the existing house and its context. The development would help to sustain the future occupation of the house without undue harm to existing levels of residential amenity. Policy SP1 would thereby be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment. This assessment has acknowledged the limited extent to which the development would depart from permitted development. On balance, the development would be acceptable and would policy EN1.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
ii. How the sustainable waste management needs of the end user will be met.

Given the scale of the development waste generated during construction could be reasonably managed. The existing domestic bin storage arrangements would not be affected by the development.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

i. The impact of the development on the character of the surrounding area;
ii. Effects on amenity, including privacy;
iii. Adequacy of internal accommodation and external amenity space;
iv. Refuse storage and collection;
v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in terms of design, height, scale, massing and potential impact on residential amenity. The character of the original house would not be unduly affected bey the development. The use of matching materials would be a condition of the development. The development would thereby accord with policy DM1.

Unitary Development Plan - The following saved policies are relevant:

Policy DC1 - Residential Extensions

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

Policy 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;
b. They do not create an 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 streetscene by virtue of design, use of materials or constructional details;
d. They would not result in the loss of off-street car parking resulting, in additional pressures in neighbouring streets.

Policy DC1.3 - Sets out the circumstances whereby, notwithstanding the generality of the above policies, the Council will not normally approve planning permission for residential extensions. This includes rearward extensions greater than 3.65m (12 ft) in length.

It is considered that the height, scale and proportions of the single storey extension would be acceptable and would allow the adaptation of the property to meet changing household needs. The rearward projection would also be acceptable given the extent of the retained rear garden area. The development would be appropriately related to policy DC1.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes. In this case, the application was supported with sufficient information to allow the appropriate assessment of the development.

Principle – The application property is not the subject to a condition requiring planning permission for household extensions. The proposed roof extension would meet the requirement for permitted development. The assessment of the development has been appropriately related to the proposed single storey extension, which is considered to be acceptable for the reasons set out below.

Height, scale and massing – As stated, the roof extension would be permitted with regard to its height and volume added to the roofspace. The scale and massing of the single storey extension would be appropriately related to the existing house and its context.

Siting – The criteria for permitted development would be marginally exceeded, i.e., it would incorporate a projection of 3.3 metres through the addition of a fascia to the eaves. The additional impact would be marginal and therefore the siting of the development would be acceptable. The site benefits from a relatively large garden and sufficient amenity space would be maintained following the construction of the single storey extension.

Residential amenity – Given the scale of the proposed development it is not considered that residential amenity would be unduly affected by the proposal.

Design – The appearance of the single storey extension has been appropriately related to the existing building. To ensure visually cohesion with the existing house and its context, a condition has been included to ensure the use of matching materials.

Land conditions – A remediation strategy to address land contamination was agreed through discharge of condition request ref: CDN/18/0535. Planning records cannot confirm the approval of a related report verifying the approval of a verification statement. The watching brief condition requested by Environmental Health has therefore been included.

Car parking – Existing arrangements would not be affected.

Flood risk – The site is in Flood Zone 1 and the development would not present potential additional flooding or drainage risks.

Waste management – The development would not affect the existing arrangements, i.e., bin storage I in the front garden.

Conclusion - The proposed development would be meet the requirements of Council policy and be appropriately related to the application property and housing.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, the application was supported with sufficient information to allow the appropriate assessment of the development.

Condition(s) to be attached to decision for approval

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 received by the Council as local planning authority on 17 June 2024 and 16 July 2024. The drawings are related to the identified scale as specified below:

Planning application forms
Proposed ground floor plan Ref: A001 (Scale 1:50)
Proposed first floor plan Ref: A002 (Scale 1:50)
Proposed loft space Ref: A003
Front and rear elevations Ref: A004 (Scale 1:50)
Section A-A Ref: A005 (Scale 1:50)
Proposed side elevations Ref: A006 (Scale 1:50)
Proposed roof plan Ref: A008 (Scale 1:50)
Site block plan Existing Ref: E/B01
Site block plan Proposed Ref: P/B01
Site location plan existing Ref: E/L01
Site location plan proposed Ref: P/L01

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

3) The materials to be used in the construction of the extension hereby approved, including bricks and roof tiles, together with the method of coursing and pointing, shall match the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

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 shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings referenced

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

5) Upon implementation of the development, a 'watching brief' shall be maintained and respond to any ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied. If such contamination is encountered, then development shall cease and/or not occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy) shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed Remediation Strategy. Before the occupation of the development, a post completion report shall be submitted and approved in writing by the City Council as local planning authority confirming that land contamination has not been encountered or the development has been undertaken in accordance with the agreed remediation strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies SP1, EN19 and DM1 of the Unitary Development Plan for the City of Manchester.

Informative

1) Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) Cadent advice

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

41 Toxteth Street, Manchester, M11 1EQ
37 Toxteth Street, Manchester, M11 1EQ
9 Alpha Street, Manchester, M11 1FQ
13 Alpha Street, Manchester, M11 1FQ
11 Alpha Street, Manchester, M11 1FQ
5 Alpha Street, Manchester, M11 1FQ
32 Toxteth Street, Manchester, M11 1EQ
7 Alpha Street, Manchester, M11 1FQ

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA