

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140408/FH/2024
Date registered valid: 16 July 2024
Proposal: Erection of single storey side and rear extension and first floor rear extension
Address: 37 Hall Road, Manchester, M14 5HN
Ward(s): Rusholme Ward

Applicant: Mr Syed Mahmud
Agent (if any): Mr George Falzon Falvia Services limited
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 10 September 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14th August 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 July 2024 Expired: 6 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 property that is the subject of this householder planning application is a two- storey red brick dwellinghouse. There is garden to the front and rear, with off road parking to the frontage. The boundary to the front comprises of a low brick wall and privet hedge as a divider between properties. The property itself has a gable frontage and sides, and a bay window to the first floor on the front elevation.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area itself is predominantly residential comprising properties of a similar age and footprint to the proposal site along this stretch of Hall Road, and with properties to the far west being of 2 storey Victorian bay fronted terraces. Dickenson Road runs to the far west of the proposal site, and the property is in close proximity to local services and public transport networks. It can also be accessed by alternative modes of transport to the car. The property is located within the Rusholme ward of the City.

Description of development

The proposal is for the erection of a single storey side extension and part single part first floor rear to create additional living accommodation in the form of a large open plan kitchen to the ground floor with a third bedroom to the first floor. The materials to be used would match those of the existing property. The property has previously had consent under the larger homes application for an extension on the rear of the property for a single storey. This was approved at 3.37m rearward projection, the proposed addition onto that extension is 2.82m. The extension would also project towards the boundary with number 35 Hall Road by 1.395m. The extension

proposed at the first floor only proposes the same projection as the original extension at 3.37m. It is set in off the boundary with 39 Hall Road by 1.45m

Consultations & Notification Responses

Local residents were informed- one representation has been received the main points of concern being:

No 37 has previously been extended in 2015 from the original 1930 footprint. The proposed plans make an already extended house considerably bigger, upwards, outwards, sideways, and to the front. Only the rear and side extensions are mentioned in the description, not the front extension.

All the original roofs are pitched tiled roofs. There are 3 small extensions but not a big as the one proposed. and they all have pitched roofs. To introduce a flat roof in the locality would considerably detract from the classic appearance and set a negative precedent the proposed L shaped flat roof will cause a leakage and damp problem in the adjoining semi-detached house, which is No 39. Taking down the existing pitched roof of No 37 and replacing it with a flat roof, which will be lower, will expose a section of the internal partition wall to the elements, causing a damp problem.

The proposal at both ground and first floors will interrupt my view across the gardens. There are also concerns that the Juliet balcony will lead to loss of privacy with overlooking of my garden area. It could leave the first floor of number 39 vulnerable.

There have historically been structural issues when a chimney pot was removed, building regulations were involved. The building of a ground floor extension will take up additional green space which is important for health and wellbeing. There are also plants close to the fence within the garden of number 39 Hall Road and a small pond within 2 feet of the fence. It is assumed that these will not be disturbed.

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 EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Places for everyone GM Spatial Plan

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 have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

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 significant weight in the planning balance.

Principle

The principle of extending existing residential accommodation in an established residential area to provide additional living accommodation is considered acceptable subject to there being no detrimental impacts upon either the character of the property or upon the residential and visual amenity of the neighbouring properties or the area within which it is located.

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight to merit a refusal of the application.

Residential / Visual Amenity

The proposal is for the erection of a single storey side and rear extension together with a first-floor rear extension across part of the rear of the dwellinghouse. The rearward projection is an additional 2.828m added to the previous extension of 3.375 giving a total of 6.504. The side extension wraps around creating an 'L' shaped extension. However, the single storey extension only starts off the existing rear building line, but does extend further sideways towards number 35 Hall Road by 1.395m. There is still a gap retained to that common boundary.

The additional projection on the side can only be viewed when looking down the driveway as it is set so far back from the property frontage and has been designed with a mono-pitch roof on the side element and as it extends across the rear it transitions to a contemporary flat roof with a large glass ceiling lantern.

The first-floor extension is set in 1.45m off the common boundary with number 39 Hall Road and projects 3.375m. The extension would only sit over the floor plate of the original extension. There is a gap of approximately 2m to the common boundary with number 35 Hall Lane, and the potential development gap between the two properties is capable of being shared should number 35 wish to extend similarly. There are no windows in the proposed side elevations, with the windows being in either the front or the rear of the extensions. Additional natural lighting is provided by rooflights.

The extensions to the existing dwellinghouse would provide additional living accommodation in the form of an enlarged kitchen / living area to the ground floor with a third bedroom to the first floor. There is a Juliet balcony to the rear first floor bedroom. It is not considered that the proposal would result in loss of light or overlooking of the neighbouring properties, and whilst there is a Juliet balcony proposed for the first-floor rear bedroom extension, this has a guard rail across and there would be no access to the flat roof below. There would be no greater view afforded from this than any other open window. The adjoining property at number 39 Hall Road currently has a single storey extension on the rear of the property which is aligned with number 37 Hall Road. Therefore, the impact of the single storey extension to be assessed is only from the previously extended building line. It is not considered therefore that the extension of 2.828m is an excessive addition to the property.

Given the set in at first floor off the common boundaries with both 35 and 39 Hall Road and the reasonable proposed projection of 3.375m for the first-floor extension, it is not considered to have a detrimental impact in terms of residential amenity for the neighbouring properties. The proposed roof has also been designed with a hip which in turn reduces the height bulk and massing of the extension and its impact on the neighbouring properties. It is considered that the proposal retains subservience.

The proposal would post development retain a good-sized amount of usable amenity space for the occupants of number 37 Hall Road.

The proposal when viewed within the street scene have respected the character of the original property, the stained-glass windows in the side elevation of the porch have been retained and the materials proposed would match those of the existing property and would be conditioned to that effect.

Character

It is not considered that the proposed development would have a detrimental impact upon the character of the property itself or upon the character of the area within which it is located.

Materials

The materials to be used would match those of the existing property and an appropriate condition to that effect would be attached to any consent granted.

Design and Siting- The design is respectful of the property itself and other properties within the immediate and wider area and consideration has been given to the proposed siting reducing the bulk and massing on the common boundaries.

Bin Storage- The bins are currently stored in the rear garden. This will remain so post development. The bin storage therefore accords with policy EN19 of the Core Strategy.

Parking- The proposal will retain space for in curtilage parking to the front of the property. Provision of one space in curtilage is achieved and this is in line with national and local policy.

Overall, the proposed extensions are considered not to create any significant impact in terms of visual and residential amenity within the character of the general area. There are other properties within the immediate area that have also had the benefit of similar extensions to those proposed for 37 Hall Road. Whilst the roof line may differ to those previously approved, the contemporary approach is considered an acceptable addition, the overall footprint is similar to other previously developed properties.

Comments on representations received- The issues with regards to such things as the structural issues will be assessed when determined under building regulations. The issues with regards to overlooking and loss of privacy and impact upon the character of the property and the area within which it is located have been addressed within the report.

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.

Disabled access

Not applicable

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

Officers have worked with the Applicant / Agent in a positive and proactive manner in order to guide the Application through all stages of the Planning process and have resolved issues that have arisen whilst dealing with the Planning Application. The application has been determined in accordance with both national and local policies, and in a timely manner.

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:

1146A-1 Proposed Site Plan received 1st July 2024

1146A-3 Proposed Floor Plan received 1st July 2024

1146A-4 Proposed Elevations received 1st July 2024

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.

3) The materials to be used on the external surfaces of the extension hereby permitted including patching in and mortar shall match those of the existing building in type, size, colour and texture, and those listed within the application form received 4th January 2024

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

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

5) 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 part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

22 Birch Grove, Manchester, M14 5JY
35 Hall Road, Manchester, M14 5HN
33 Hall Road, Manchester, M14 5HN
36 Hall Road, Manchester, M14 5HL
39 Hall Road, Manchester, M14 5HN
34 Hall Road, Manchester, M14 5HL
20 Birch Grove, Manchester, M14 5JY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA