MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140567/FH/2024
Date registered valid:	1 August 2024
Proposal:	Erection of a single storey side and rear extension, front and rear dormers and single storey rear outbuilding following demolition of existing outbuilding.
Address:	26 Tolworth Drive, Manchester, M8 0WW
Ward(s):	Cheetham Ward
Applicant:	Mr Harish & Mrs Mamta Tiwari
Agent (if any):	Mr Talat Zeria, HSH Engineering Design Service
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	25 September 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 August 2024

Standard consultations:
Printed: 9 August 2024 Expired: 31 August 2024

Neighbour notifications
Printed: 9 August 2024 Expired: 31 August 2024

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of site / building / area

The application relates to a pitched roof, bay-fronted, semi-detached bungalow along the head of a turning circle within a short cul-de-sac position.





(Officer's site visit, 21.08.2024)

The bungalow is sited within a slightly elevated, broadly triangular plot of land with existing amenity space along the front, side, and rear elevations; including all round boundary treatment

incorporating a gated access along the side elevation which is shared with no. 24 Tolworth Drive. Off-street parking is along the side elevation and bins are stored along the side and rear garden.

The original bungalow is rendered of buff colouration and there is an existing single storey flat roof rear extension of red brick façade with a rearward projection of approximately 2600mm deep, whilst being set in from the gable elevation approximately 1189mm.

The surrounding area is residential in character, comprising of properties of predominantly similar type along Tolworth Drive.

Site Planning History

- 139209/FH/2024 - Erection of a single storey side and rear extension, erection of front and rear dormers, including erection of an outbuilding along the rear garden following demolition of existing outbuilding, Approved, 04/2024.

- F09193 - Kitchen extension rear of bungalow, Not Proceeded With 09/1978.

Description of development

The submitted application relates to a single storey side and rear extension, front and rear dormers and single storey rear outbuilding following demolition of existing outbuilding.

Notwithstanding the proposed materials and finishes as stated on the submitted information, further clarification was sought from the planning agent (date 24/09/24). However, without the benefit of this information, the agent has been subsequently advised that without clarification having been provided in relation to the proposed materials and finishes, the application would be determined subject to an additional condition requiring samples and specifications of the external facing materials to be provided to the local planning authority for further assessment.

The proposed single storey side and rear extension element would project from the rear building line of the original bungalow approximately 3970mm deep, whilst being flush with its gable elevation. It then comes forward of the common shared boundary with no. 28 Tolworth Drive approximately 6240mm wide, then returns forward of the rear building line of the original bungalow approximately 3955mm deep, whilst retaining a gap from the common shared boundary with no. 28 Tolworth Drive. The extension would incorporate a flat roof with a maximum roof height of approximately 2860mm. In terms of fenestration, it would incorporate 3no. windows along the rear elevation.

With regard to the proposed outbuilding, it would retain a separation distance of approximately 1800mm from the proposed single storey side and rear extension. It would be set-back from the front building line of the existing bungalow approximately 7287mm and it would project approximately 2047mm deep beyond the rear building line of the proposed single storey side and rear extension, whilst retaining a distance of approximately 1000mm from the rear boundary wall. It would measure approximately 7000mm deep x 5000mm wide x 3880mm

maximum height, and would incorporate a pitched roof design, with windows and 1no. door along the front elevation; together with further windows along the side elevations.

In terms of the proposed front dormer roof extension, it would be set above eaves level and set below the existing roof ridge. It would be broadly centrally positioned along the front roof elevation and set in from the boundaries. It measures approximately 2620mm deep x 5708mm wide x 1607mm maximum height and would include a flat roof with 2no. windows along the front elevation.

The proposed rear dormer element would also be set above eaves level and set below the existing roof ridge. It would also be broadly centrally positioned along the rear roof elevation and set in from the boundaries. It measures approximately 4359mm deep x 5744mm wide x 2778mm maximum height and would also include a flat roof with 2no. windows along the rear front elevation.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations were received.

2. Environmental Health

Environmental Health officers have advised for the following pre-commence condition to the attached to any recommendation for planning approval:

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).

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 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.

2. 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 polices are considered to be relevant:

- JP-S1 - Sustainable development

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

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 for Residential Extensions is still considered of relevance.

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

- Chapter 2: Design

ISSUES

Notwithstanding the proposed materials and finishes as stated on the submitted information, further clarification was sought from the planning agent (date 24/09/24). However, without the benefit of this information, the agent has therefore been subsequently advised that without clarification having been provided in relation to the proposed materials and finishes, the application would be determined subject to an additional condition requiring samples and specifications of the external facing materials to be provided to the local planning authority for further assessment.

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. Notwithstanding this factor, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey side and rear extension) - In this instance, although there is a sizeable plot of land surrounding the existing bungalow, the existing depth of rear amenity space is approximately 6.7 metres - (measured from the rear building line of the original bungalow). Notwithstanding this factor, this element of the submitted application would be contained within the curtilage of the application site, and the proposed flat roof configuration would mitigate from the adverse impact from undue massing, together with the fact that the proposal would be significantly screened along rear boundary. However, although the proposed rearward projection at approximately 3955mm along the common shared boundary with no. 28 Tolworth Drive would be approximately (305mm) in excess of the guidance set out in saved policy DC1.3 (a) regarding rearward extensions, it is not considered that this variance would warrant the refusal for planning permission as the proposed resultant context is not considered to be unduly overbearing given that the extension would be single storey, would comprise of a flat roof design and it would be significantly screened by the existing brick wall along the common shared boundary with no. 28 Tolworth Drive. Therefore, for these reasons and on balance, and subject to planning conditions, this element of the submitted plan is considered to be acceptable in terms of its impact on residential amenity as there are no overbearing, overshadowing or loss of privacy impacts.

Impact of works (outbuilding) - The proposed outbuilding, measuring approximately 7000mm deep x 5000mm wide x 3880mm maximum height would be contained within the curtilage of the application site and would maintain a proposed separation distance of approximately 1800mm from the proposed single storey side and rear extension. It would be set-away from the rear boundary and common shared boundary with no. 24 Tolworth Drive and would be set-back significantly from the front building line of the original bungalow; and therefore, it is considered that the proposed siting would not adversely affect neighbouring houses. Overall, the proposal has been designed to be in keeping with the design and character of the existing house. In addition, in light of the pre-existing contextual relationship of along the rear garden area which is for the most part well screened by a tall brick wall along the rear boundary and common shared boundary with no.7 Whitebarn Avenue, it is therefore considered that this element of the submitted plan is unlikely to adversely affect the appearance of the existing dwelling or the visual amenity within the area, and is therefore considered to be acceptable, subject to a planning condition restricting the use of the outbuilding as ancillary use only.

Impact of works (front and rear roof dormers) - In light of (correspondence from agent dated, 27/03/2024) confirming acceptance of an additional materials condition in relation to the proposed dormers and the resultant contextual relationship of the proposal along the Tolworth Drive street scene and the immediate surrounding streets, and given that the dormers would be informed by other developments along the street scene, for example, planning permission reference nos. (128747/FH/2020, 126538/FH/2020, 064216/FH/NORTH1/02, 027770).

Therefore, on this basis, it is not considered that the proposed front and rear roof dormer extensions would unduly impact on residential and visual amenity, nor would it adversely impact on the character of the property or the general area as there are no undue overbearing, overshadowing, or loss of privacy impacts, subject to conditions. It is therefore recommended that the proposed window along the rear elevation to serve the bathroom is conditioned requiring it to be obscurely glazed in the interests of privacy. A materials condition is also recommended to ensure the use of matching materials to clad the dormer walls.

Impact of works (design and appearance) - The proposed development would be informed by similar built form along the Tolworth Drive and Wigmore Road street scene, and therefore within this context , it is not considered that the proposal would unduly harm the character of the host building or the general area. However, a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (waste management) - It is intended to provide a covered timber frame bin store along the front garden, which would be sited along the common shared boundary with no. 28 Tolworth Drive, which is considered acceptable; pursuant with The Manchester Core Strategy Development Plan Document policy DM1, EN19; and saved policy DC1 of the Unitary Development Plan.

Impact of works (car parking) - The submitted information indicates that the existing shared access with the neighbouring property (no.24 Tolworth Drive) would be unaffected. However, although the combined proposed single storey side and rear extension and outbuilding would result in the reduction of the number of on-site car parking spaces, within curtilage car parking space would still be retained for at least 2no. vehicles, which is considered to be acceptable; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapter 12; policies SP1, DM1, 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 no neighbour comments or objections have been received in response to this application.

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, further clarification was sought from the planning agent regarding the proposed materials and finishes, (date 24/09/24). However, without the benefit of this information, the agent has therefore been subsequently advised that without clarification having been provided in relation to the proposed materials and finishes, the application would be determined subject to an additional condition requiring samples and specifications of the external facing materials to be provided to the local planning authority for further assessment. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

- Location Plan with application site edge in red, dwg. no. 09, received by the City Council as the Local Planning Authority on 19 July 2024.
- Existing Site Plan, dwg. no. 01, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024.
- Existing Plans and Elevations, dwg. no. 10, received by the City Council as the Local Planning Authority on 01 Aug 2024.
- Existing Plans and Elevations, dwg. no. 03, received by the City Council as the Local Planning Authority on 19 July 2024.
- Existing Ground Floor Plan, dwg. no. 02, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024.
- Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans and submitted information; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Core Strategy (2012).

3) 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 policies EN18, DM1 of the Manchester Core Strategy (2012); and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

4) Notwithstanding the proposed materials and finishes as stated on the submitted information, before any above ground works of the development hereby approved, details of the external facing materials to be used on the development hereby approved, including elevational details, shall be submitted to, and approved in writing by the City Council as local planning authority.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Core Strategy (2012).

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 windows or doors shall be inserted into the elevations of the development hereby approved other than those stated on:

- Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024
- Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024.
- Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024.
- Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Manchester Core Strategy (2012).

6) Before first occupation of the development thereby approved, the proposed window along the ground floor rear elevation to serve the bathroom; together with the proposed dormer window along the rear elevation to serve the proposed bathroom, and as shown on: Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024 and Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024, shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - In the interest of privacy and in accordance with policy DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

7) The outbuilding as shown on: Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024; Proposed Plans and Elevations, dwg. no. 04,

received by the City Council as the Local Planning Authority on 19 July 2024; Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024; Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024; and Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024 and hereby approved shall not be used as a self-contained living unit, or business, and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Tolworth Drive, Manchester.

Reason: To ensure the proposed use remains ancillary to the principle use on the site, as a single dwellinghouse, in the interest of residential amenity, pursuant to policies DM1, SP1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and for the avoidance of doubt as any proposal to use the structure, as a self-contained living unit, or business would require planning permission.

8) Wheeled bins shall be stored along the front garden, in the specified location and enclosed timber frame bin store and as shown on: Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024, and only brought to the back of pavement on collection days, and this arrangement shall remain so in perpetuity, and be maintained.

Reason - In the interests of residential and visual amenity, pursuant with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies EN19, DM1 of the Core Strategy (July 2012).

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

15 Whitebarn Avenue, Cheetham, Manchester, M8 0JT
11 Whitebarn Avenue, Cheetham, Manchester, M8 0JT
9 Whitebarn Avenue, Cheetham, Manchester, M8 0JT
7 Whitebarn Avenue, Cheetham, Manchester, M8 0JT
9 Durley Avenue, Manchester, M8 0PU
11 Durley Avenue, Manchester, M8 0PU
20 Tolworth Drive, Manchester, M8 0WW
12 Durley Avenue, Manchester, M8 0PU
10 Durley Avenue, Manchester, M8 0PU
32 Tolworth Drive, Manchester, M8 0WW
30 Tolworth Drive, Manchester, M8 0WW
28 Tolworth Drive, Manchester, M8 0WW
24 Tolworth Drive, Manchester, M8 0WW
22 Tolworth Drive, Manchester, M8 0WW
18 Tolworth Drive, Manchester, M8 0WW

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