

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 140413/FH/2024  
**Date registered valid:** 1 July 2024  
**Proposal:** Erection of a two storey rear extension  
**Address:** 38 Boar Green Close, Manchester, M40 3AW  
**Ward(s):** Moston Ward

**Applicant:** Mr Naeem Khan  
**Agent (if any):** Mr Nick Goodchild, Goodchild Design Partnership(GDP)  
**Case officer:** Harriet Aidoo  
Tel: 0161 234 4532  
Email: harriet.aidoo@manchester.gov.uk

**Recommendation:** Refuse  
**Date of recommendation:** 23 August 2024

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 22 July 2024

### **Standard consultations:**

Printed: 12 July 2024      Expired: 2 August 2024

### **Neighbour notifications**

Printed: 12 July 2024      Expired: 2 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 modern, detached dwellinghouse set within its own grounds and benefiting from a sizable amenity space. The site is along the head of cul-de-sac within residential setting.

There are varying forms of boundary treatment along the perimeter, together with the site also being heavily screened by mature trees in-part along the perimeter; whilst also incorporating gated access along both eastern and western elevations of the site.

The existing elevated driveway access is fully hard surfaced and serves at least 2no. vehicles, leading to a detached double garage along the front elevation. There is an existing combined front porch/canopy and single storey lean-to rear extension, approximately 2.7 metres deep by 3.8 metres wide.

The site is visibly elevated, and therefore this pre-existing topography presents a dominating outlook from neighbouring dwellinghouses along the north-western boundary. The separation distance between the immediate property along this elevation is approximately 4.5 metres. Furthermore, the immediate dwellinghouse along the north-western boundary, specifically, no. 40 Boar Green Close, projects approximately 2.7 metres forward of the front building line of the application dwellinghouse and its rear building line is set-in approximately 1.8 metres from rear

building line of the host dwelling; thereby the pre-existing imposing nature of the application dwelling is even more so prominent from the neighbouring gardens along this elevation.

The varying ground levels within the site also presents an outlook along the north-eastern elevation that the rear gardens of those properties along The Links street scene as being slightly elevated above the application site. However, the existing separation distance between the properties along this elevation is approximately 22.7 metres (minimum).

### **Site Planning History**

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

### **Description of development**

The initially submitted plans related to proposed two storey rear extension which would be flush with the gable elevations of the host dwelling and would measure approximately 5859mm deep x 9476mm wide. It would incorporate a pitched roof, with the proposed roof ridge set below the ridge of the existing roof ridge.

Concerns were raised with the planning agent regarding the initially submitted plans in relation to the resultant overbearing massing impact from the proposed rearward projection, coupled with the expanse of brick work coming forward of and projecting along the first floor side boundary was considered to be unduly detrimental to residential amenity, together with creating a visually oppressive outlook from the neighbouring gardens; in addition to, the adverse impacts from privacy and overlooking meant the application could not be supported. It was requested the agent confirms how they wished to proceed with the application, within specified timescales.

Revisions to the initially submitted plan were subsequently submitted, (dated, 22/08/24). These plans would comprise of an "L-shape" two storey rear extension which would be flush with the gable elevations of the host dwelling.

The revised plan would project approximately 2982mm deep along the common shared boundary with no.40 Boar Green Close, whilst retaining a distance of approximately 1681mm from this boundary. It then comes forward of those properties along The Links street scene approximately 4000mm wide. It then projects into the rear garden approximately 2856mm deep, whilst retaining a distance of approximately 5653mm from the common shared boundary with no.40 Boar Green Close. It then comes forward of the those properties along The Links street scene approximately 5482mm wide, then returns forward of the gable elevation of the host dwelling approximately 5781mm deep, whilst being flush with the gable elevation.

These subsequent revisions were still considered to be unacceptable as the issues outlined in previous correspondence and the advice provided on how to overcome those issues have not been sufficiently demonstrated through these sets of plans. The agent was subsequently advised that application will therefore be determined on the basis of these sets of plans and recommended for refusal. Alternatively, should they wish to withdraw the application, they should formally confirm this to the planning officer within specified timescales. No further communication has been received from the agent; therefore, the application will be recommended for refusal in this instance.

## **Consultations & Notification Responses**

### **1. Local residents**

Occupiers of properties surrounding the application site were notified of the proposal. An objection, comments, or representations were received from one local resident. The grounds of their objection is outlined below:

#### Comments

The objector's initial comments have expressed concerns in relation to privacy and overlooking regarding the proposed window along the first floor south west elevation, the difference in the ground level means the scale of the proposed development would be overbearing and would close off all light ingress, whilst the proposed height would creating an over 10 feet wall along the boundary.

### **2. Cadent Gas Ltd**

No objection to the planning application, however, as Cadent Gas Ltd own and operate the gas infrastructure within the area of the development prior to carrying out any proposed works, the applicant is advised to register and submit details of the planned works for review, ensuring requirements are adhered to.

### **3. Environmental Health**

Environmental Health officers have advised a pre-commencement gas membrane condition is attached to any recommendation for planning approval.

## **POLICY**

The following guidance, policy and legislation are considered to be relevant to the proposed development.

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

2. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

3. Places for Everyone (2024):

Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The plan was adopted by the Council on 20 March 2024 and will come into effect from 21 March 2024. The plan sets out the kind of development that takes place across the city-region. It maximises the use of brownfield land and urban spaces; protects green belt land from the risk of unplanned development; releases some sites for housing and employment in key locations; ensures we integrate all new developments into Greater Manchester's transport network to ensure new roads and transport will support them. The Plan and its policies are now a material planning consideration in the determination of planning applications, and therefore must be given significant weight in the planning balance.

4. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)

5. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

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

- Chapter 2: Design

Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

## **ISSUES**

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against

which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

## **Principle**

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers. In this instance however, the principle of the proposal is considered unacceptable by virtue of the proposed first floor extension coming forward of the immediate neighbouring houses and driveways, the resultant separation distance along the first floor side boundary, combined with the proposed overbearing massing impact and visually intrusive outlook along the first floor side boundary, coupled with the resultant outlook from the immediate neighbouring driveways and properties along the side boundary; which means the application cannot be approved. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

## **Residential and Visual Amenity**

Having assessed the proposal, and on balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

As previously stated, the application site is visibly elevated, and therefore this pre-existing topography presents a dominating outlook from neighbouring dwellinghouses along the north-western boundary. The existing separation distance between the immediate property along this elevation is approximately 4.5 metres. Furthermore, the immediate dwellinghouse along the north-western boundary, specifically, no. 40 Boar Green Close, projects approximately 2.7 metres forward of the front building line of the application dwellinghouse and its rear building line is set-in approximately 1.8 metres from rear building line of the host dwelling; thereby the pre-existing imposing nature of the application dwelling is even more so prominent from the neighbouring gardens along this elevation. In addition, the host building incorporates a gable elevation with a pitched roof with a ridge line running from east to west, and therefore, by introducing a pitched roof with a ridge line running north to south, there is the potential for undue overshadowing during most day light hours given the proposed combined first floor rearward projection at approximately 5781mm deep, which is considered contrary to saved UDP policy DC1.1 b), DC1.1 d), DC1.2 b), and DC1.4 c); policy DM1, SP1, EN1 of the Core Strategy; and the guidance set out in the Guide to Development in Manchester Supplementary Planning Document.

Moreover, whilst the principle of a proposed first floor side extension is considered to be acceptable; in this instance, the siting has not been informed by the context of the application site's pre-existing topography.

In addition, the revised plan does not sufficiently demonstrate a subservient extension to the host dwelling. Therefore, it is considered that in light of the pre-existing contextual relationship along the side boundary, the cumulative impact of the proposed extension, would create an overbearing and oppressive outlook from the neighbouring gardens. This is further exacerbated by the design of the proposed roof configuration, thereby creating an outlook that would be excessively large resulting in a structure which would not be seen as subservient to the original dwellinghouse. For these reasons, the proposal is considered to be contrary to saved UDP

policy DC1.1 d), DC1.2 a); policy DM1, SP1, and EN1 of the Core Strategy; and the guidance set out in the Guide to Development in Manchester Supplementary Planning Document.

## **Conclusion**

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposed resultant overall scale of built form projecting along the first floor side boundary and coming forward of the immediate neighbouring houses and driveways; specifically, those occupiers of no. 40 Boar Green Close and the resultant separation distance along the first floor side boundary, combined with the proposed overbearing massing impact and visually intrusive outlook along the side boundaries, it is therefore considered that the proposed development does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1, SP1, EN1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal, therefore, cannot be supported by the Local Planning Authority.

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **Human Rights Act 1998 considerations**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation: Refuse**

## **Article 35 Declaration**

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 revisions to the initially submitted plan were subsequently submitted, (dated, 22/08/24). These plans would comprise of an "L-shape" two storey rear extension which would be flush with the gable elevations of the host dwelling. These subsequent revisions were still considered to be unacceptable as the issues outlined in previous correspondence and the advice provided on how to overcome those issues have not been sufficiently demonstrated through these sets of plans. The application has been determined in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan, the Core Strategy, the National Planning Policy Framework and all other material considerations.

### **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

1) The proposed extension by reason of the resultant overall cumulative mass of built form coming forward of and in such close proximity to the first floor common shared boundary with no. 40 Boar Green Close would create an overbearing and visually oppressive feature in terms of outlook from the neighbouring property and gardens; contrary to the provisions of policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed two storey rear extension, by reason of its scale, design and relationship to the neighbouring property, no. 40 Boar Green Close, and surrounding properties form an overly bulky and visually obtrusive feature, which is out of character with, and fails to contribute positively to, the local area. The proposal would therefore have an unduly harmful impact in relation to design and appearance, which is contrary to the City Council's Planning Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) - Chapter 2: Design; Policy JP- S1 of Places for Everyone (2024) and chapter 12 of the National Planning Policy Framework (2012).

## **Appendix 1 – List of consultees & neighbours notified**

### Environmental Health

43 Boar Green Close, Manchester, M40 3AW  
59 The Links, Manchester, M40 3NT  
57 The Links, Manchester, M40 3NT  
61 The Links, Manchester, M40 3NT  
49 The Links, Manchester, M40 3NT  
63 The Links, Manchester, M40 3NT  
55 The Links, Manchester, M40 3NT  
40 Boar Green Close, Manchester, M40 3AW  
53 The Links, Manchester, M40 3NT  
51 The Links, Manchester, M40 3NT  
47 Boar Green Close, Manchester, M40 3AW  
36 Boar Green Close, Manchester, M40 3AW  
45 Boar Green Close, Manchester, M40 3AW

## **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  
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface  
Historic Landfill Site 250m Buffer -  
Area Team Boundary - Name: NORTH AREA