

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140327/FH/2024
Date registered valid: 26 June 2024
Proposal: Erection of part single storey, part two storey rear extension
Address: 10 Lilmore Avenue, Manchester, M40 1EY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Shen Long Zhen
Agent (if any): Mr Sabin Zannou LDM Group
Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 21 August 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 July 2024

Standard consultations:

Printed: 27 June 2024 Expired: 18 July 2024

Neighbour notifications

Printed: 27 June 2024 Expired: 18 July 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 application site relates to a two storey brick built semi-detached dwelling situated within the Miles Platting and Newton Heath Ward, Manchester. The property benefits from a bay fronted window along the front elevation with a large area of hardstanding to the front used for off street parking. To the rear is paved garden with detached outbuilding. Boundary treatment is in the form of timber fencing for the shared and rear boundaries.

A single storey front extension and single storey side extension has been erected at the application property, these elements have not been included in the application proposal therefore will not be considered as part of the assessment. These elements however will be considered by MCC Enforcement.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominately residential in nature with houses of similar character, scale and form. The adjacent property, no.8, affords a flat roofed two storey rear extension, however this development was permitted in 1983, considered against now obsolete planning policy and guidance.

Description of development

The application seeks planning permission for the erection of a part single, part two storey rear extension to form additional living accommodation. This proposal has been revised from the initial submission, which now proposes a reduction to the first-floor rear projection along the shared boundary with no.12 and hipped roof forms

The proposed rear extensions would extend the full width of the host property (5.5m). At ground floor the extension would measure 3.6m depth and would accommodate a lean to roof form along the shared boundary, 3.45m in maximum ridge height with 2.4m eaves. At first floor the extension would sit flush in width above and project between 1.9-3.6m to the rear, accommodating hipped roof forms set down from the host with original matching eaves level.

The proposal would create extended living space at ground floor and an additional ensuite (to serve bedroom 2) and enlarged third bedroom with ensuite and walk-in wardrobe.

The proposal would involve the insertion of French doors and a window in the rear elevation at ground floor and two first floor rear windows (one obscure glazed) and one obscure glazed side facing window. Materials to be used throughout the proposal would include brickwork to match existing, roof tiles to match existing and Upvc windows to match existing.

Consultations & Notification Responses

Local responses

One letter of representation were received from local residents raising the following concerns:

- Several alterations have been made to the application property – *This has been considered an Enforcement matter*
- Noise and disturbance from building work
- Drains affected from construction
- Vehicle access affected on street
- Potential HMO use

These are not material planning considerations.

Consultee responses

Environmental Health – No comments received.

Relevant Planning History

At the application site –

Unauthorised development to the front and side of the application property evidenced on site



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The planning officer raised initial amenity concerns (email dated 29/07/2024) relating to:

- Accuracy of submitted plans (unauthorised development on site)
- The proposed two storey rear extension would cause significant outlook and overdominance impacts upon the adjoining dwelling no.12 – 3.3m rear projection at first floor not supported
- Flat roof design wholly contrary to policies DC1.3 (saved UDP) and DM1 (CS)

The planning officer welcomed the submission of one set of revised plans, which a determination would be based off. Revised plans (REV C) were submitted 15/8/24, showing a reduction in projection at first floor level along the shared boundary and hipped roof forms. Whilst this revision addressed initial design and amenity concerns with regards to no.12, there remained concern with the standard of accommodation created internally within the application property.

The planning officer notified the agent that the unauthorised works to the front and side do not constitute as permitted development and would not be supported under a full planning application, due to their design and materiality. As such, advised this matter would be raised by MCC Enforcement.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the

GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

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

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:
JP-S1 – Sustainable Development

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
EN 1 – Design Principles and Strategic Character Areas

The relevant saved **UDP** policies for this application are:

DC1– Residential Extensions

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Issues

Principle of development:

The principle of allowing residents to extend and develop their homes to provide enlarged or improved living accommodation 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 as it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy, and chapter 12 of the NPPF.

Impact on visual amenity and the streetscene:

The revised proposal seeks permission for a part single storey, part two storey rear extension. The extensions would sit flush with the side elevations of the original dwelling, measuring 3.6m in projection at ground floor and between 1.9-3.6m at first floor. The height of the proposed extensions appropriately relate to the height parameters of the existing building, with the two storey element sufficiently set-down from the original ridge, achieving a subservient addition. The two storey rear extension would be designed with hipped roof forms considered sympathetic to the host property. It is considered that the proposed extensions respond well to the dimensions, design and siting of the neighbouring properties.

Overall, the proposed extensions are considered to be subservient to the existing property therefore, this proposal does not create any significant impacts in terms of visual amenity within the character of the general area and is considered acceptable against the principles set within Saved DC1 and SP1 and DM1 of the Core Strategy.

Impact on residential amenity:

Due to the internal configuration of the proposed development, the sole external window to serve the existing bedroom 2 would be removed. The former first floor rear bedroom window would be replaced with an internal access door into a part two-storey element which would facilitate an en-suite extension (as shown on plan ref A1-002b Rev C). It is acknowledged that this additional en-suite would be served by an obscure glazed window for privacy purposes. This obscure glazed window would be the only natural light source into bedroom 2 and would require no obstruction to provide any daylight (ie. Door). The subsequent inadequate level of natural light provided, would give rise to a poor standard of living accommodation for future occupiers and an inadequate residential accommodation.

On this basis, the proposed development is considered to have a significantly harmful impact to the living conditions of future occupiers at the application property, contrary to the aforementioned policy and guidance.

The proposal therefore conflicts with policy DC1 of the UDP, policies SP1 and DM1 of the Core Strategy, and chapter 12 of the NPPF.

Highways:

The proposed development would not interfere with the existing parking provision on street, as such is considered acceptable in this regard.

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

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1) The proposed part single-storey, part two-storey rear extension, would create internal living accommodation (bedroom 2) with no external window, which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

11 Irvin Street, Manchester, M40 1EN
8 Lilmore Avenue, Manchester, M40 1EY
14 Lilmore Avenue, Manchester, M40 1EY
12 Lilmore Avenue, Manchester, M40 1EY
17 Lilmore Avenue, Manchester, M40 1EY
19 Lilmore Avenue, Manchester, M40 1EY
21 Lilmore Avenue, Manchester, M40 1EY
15 Lilmore Avenue, Manchester, M40 1EY
9 Irvin Street, Manchester, M40 1EN

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 -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA