

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139725/FO/2024
Date registered valid: 12 April 2024
Proposal: Erection of a first floor rear extension to existing self contained flat.
Address: 92 Broadway, Manchester, M40 3WQ
Ward(s): Moston Ward

Applicant: Mr Mohammad Kamran
Agent (if any): Building Design Services M Farooq
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 5 June 2024

Application details

Type of application: Full Application Consent

Development type: Householder

Date of site visit: 22 April 2024

Standard consultations:

Printed: 15 April 2024 Expired: 7 May 2024

Neighbour notifications

Printed: 15 April 2024 Expired: 7 May 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

The application site relates to a two-storey building with consent for use as a hot food takeaway (sui generis) at ground floor level and an existing flat at first floor level.

The application property occupies a mid-terraced position within a storey parade that turns the corner around the traffic signalised junction at Broadway/Nuthurst Road.

The unit incorporates a forecourt used for ad hoc parking and a large, rear yard area. The rear of the property includes a ground floor rear extension and space for refuse storage, leading onto a gated alleyway.

With the exception of a large public house (The Fairway) directly opposite, to the other side of Broadway, and a small retail convenience store to the north-east, the immediate area is largely residential in character.

Description of development

Planning permission is sought to erect a first-floor rear extension to existing self-contained flat.

Planning History

137871/FO/2023 Change of ground floor retail shop (Class E) to hot food takeaway (sui generis), together with single storey rear extension and installation of extraction flue. Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

Environmental health raised no objection to the proposal subject to the demolition and construction hours being restricted.

Issues

Policy

Manchester Core Strategy (2012) - Relevant policies SP1, EN1 and DM1 Unitary Development Plan for the City of Manchester (1995) - Relevant saved policy DC1.

NPPF (2019)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

The NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these are:

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

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 significant weight in the planning balance. However, policies identified within the documents relevant to this proposal are. JP-P6 Health of the Places for Everyone.

Principle

The proposed development is an extension to create additional floor space to the existing first floor flat. The proposal is not considered to be acceptable in this instance as it would, by virtue of the siting, scale and appearance of the rear extension, create an overly dominant and incongruous feature at the rear of the property to the detriment to residential amenity.

Residential Amenity

By virtue of the height, width and rearward projection of the first-floor extension, the development is considered to create significant bulk and built development on the boundaries with neighbouring properties. The 3.5 metre projection at first floor would create a substantial amount of brickwork on the boundaries with the neighbouring properties particularly numbers 90 and 94 Broadway, which can be readily viewed from the rear habitable room windows of these properties given an oppressive outlook to those properties.

The close proximity of the extension would create an unsatisfactory relationship with the neighbouring properties and would result in a significant overbearing and overshadowing impacts which are unduly harmful to residential amenity.

The orientation of the building coupled with the close proximity to the rear neighbouring properties is considered to cause harmful overshadowing and overbearing impacts. The introduction of a two-storey rear extension exacerbates an already compromised outlook for the occupants of no 90 and 94 Broadway and an increase in built form to an already cramped layout between buildings increases the harm caused by the introduction of a two storey rear extension.

Therefore, it is considered that the development would give rise to harm to the living conditions of neighbouring occupiers, with particular regard to overbearing, overshadowing and loss of outlook. The development therefore conflicts with policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC1 of the UDP. These require, among other things, that development makes a positive contribution to the health and well-being of residents, having regard to the effects on the amenity of neighbouring occupiers.

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

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

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

1) The first-floor rear extension results in an overly dominant feature at the rear of the property creating an unsatisfactory relationship with neighbouring properties resulting in an overbearing, oppressive built form that would give rise to overshadowing of adjacent properties on Broadway to the detriment of residential amenity. Therefore, the development would be contrary to the Policies SP1, EN1 and DM1 of the of the Core Strategy of the Local Development Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

96A Broadway, Manchester, M40 3WQ
Flat At, Broadway Hotel, Broadway, Manchester, M40 3NL
92A Broadway, Manchester, M40 3WQ
164A Nuthurst Road, Manchester, M40 3WG
90 Broadway, Manchester, M40 3WQ
164 Nuthurst Road, Manchester, M40 3WG
Fairway Inn, Broadway, Manchester, M40 3NL
96 Broadway, Manchester, M40 3WQ
94 Broadway, Manchester, M40 3WQ
166 Nuthurst Road, Manchester, M40 3WG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
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 -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA