

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140117/FH/2024

Date registered valid: 28 May 2024

Proposal: Retention of single storey side and rear extension, and single storey rear conservatory

Address: 153 Victoria Avenue East, Manchester, M9 6HL

Ward(s): Charlestown Ward

Applicant: Ms Linh Su

Agent (if any): Dr Kanadi Jagafa, Mason and Marlowe Ltd

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 July 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 June 2024

Standard consultations:

Printed: 6 June 2024 Expired: 27 June 2024

Neighbour notifications

Printed: 6 June 2024 Expired: 27 June 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 area

The application site relates to 153 Victoria Avenue East within the north Manchester ward of Charlestown. The application site relates to a semi-detached, red brick, two storey dwellinghouse with cream fenestration to the front elevation and front porch. The application already benefits from a single storey side and rear extension (see planning reference: 129976/FO/2021 for further details), and a conservatory built from polycarbonate roofing panels and glass walls. Amenity space to the front of the property consists of an off street driveway and amenity space to the rear consists of an Astro-turfed garden with high timber fencing.

The surrounding context is residential in nature.

Description of development

The submitted application seeks planning permission for the retention of single storey side and rear extension, and single storey rear conservatory.

The rear conservatory is built off the back wall of the previously approved rear extension. The conservatory has approximate dimensions of Height: 2.8 x Length: 3.5 x Width: 8.3 metres. The

conservatory has semi-permeable walls, and UPVC windows and a set of UPVC double doors within the rear elevation with dark coloured cladding panels along the rear elevation.

Including the previously built rear extension, built form extends approximately 7.7 metres beyond the rear elevation of the host property.

The application form states the works for the conservatory began on 30 April 2022 and finished on 10 May 2023.

Negotiations during the Course of the Application

During the course of the application, it came to light the previously approved side and rear extension (planning reference: 129976/FO/2021) had not been built in accordance with the approved plans. This is evident with the mono pitch roof to the side extension (which was supposed to be flat) and with the window inserted within the front elevation of the side extension which does not match the approved fenestration as per the plans.

It was suggested to the agent that the discrepancies to the side and rear extension could be included within the current description of development, to regularise the small differences in the side extension from the previously approved plans.

The agent agreed to this and changed the description of development within the application form, amended the scheme accordingly and the amendments are assessed within this application.

The agent was advised the conservatory could not be supported and no revised plan overcoming concern was received.

Confirmation was sought during the course of the application that the development did not encroach onto neighbouring land. It was clarified during the application that the development did not extend beyond the red line boundary.

The application form was amended to accurately reflect when work started and ended on site.

Planning History

129976/FO/2021- Erection of single storey side and rear extension to form additional living accommodation. Approved 18 June 2021.

Consultations & Notification Responses

Local Residents

Local residents were consulted and one response was received raising concerns with the development with supporting photos. The concerns can be summarised as:

- The proposed development is not considered to meet the definition of a 'conservatory'.
- Disputes over the measurements provided within the Design and Access statement contradicting the measurements as built.
- The proposed structure gives rise to loss of daylight as the side walls are built with 10mm twinwall polycarbonate roofing panels which do not allow sunlight to pass through.
- Concern over overshadowing as a result of the proposal.

- The neighbour disputes the claims the conservatory would act as an additional layer of security for the host property, as is alluded to within the submitted Design and Access statement.
- The materials chosen poorly match the aesthetics of the neighbouring properties and the outbuilding is poorly constructed.
- The structure has given rise to surface water drainage issues.

The Coal Authority

The Coal Authority were consulted on the application. Despite initial contact being made from the Coal Authority, no further comments relating to the application were received.

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

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

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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

The following policies are relevant:

- i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted application seeks planning permission for the retention of single storey side and rear extension, and single storey rear conservatory.

During the course of the application, it came to light the previously approved side and rear extension (planning reference: 129976/FO/2021) had not been built according to the approved plans. This is evident with the mono pitch roof to the side extension (which was supposed to be flat) and with the window inserted within the front elevation of the side extension which did not match the approved fenestration. The Local Planning Authority does not raise any concern with the small amendment to the side extension in terms of roof pitch or fenestration design and it is considered the proposal would not have an unduly impact on amenity or design and appearance.

However, in regard to the rear conservatory, the principle of development is not acceptable, as the benefits to the applicant do not outweigh the harm in relation to visual/residential amenity and design and appearance. Whilst it is stated the purpose of the conservatory is to offer an additional level of security to the rear of the host property, the harm to the surrounding neighbours outweighs the benefit and it is considered there are more appropriate ways to secure the house than with the conservatory built on site. The agent was advised that the application could not be supported. However, no alternative scheme was provided and the agent confirmed the applicant will take a refusal on the scheme and appeal the decision.

Visual/Residential Amenity

The conservatory has a projection of 3.5 metres. In conjunction with the existing rear extension, built form extends by 7.7 metres beyond the original rear wall of the host property.

No.155 Victoria Avenue East sits to the east of the applicant site and has the same rear building line as the applicant property (given they are a pair of semi-detached properties). As such, the neighbour experiences a 7.7 metre continuation of built form along the boundary. The proposal is single storey and the roof of the conservatory slopes away from the flat roof of the existing rear extension. However, given the built form continues to such a long extent, the proposal is considered to create an overbearing feature to the neighbour when utilising their garden, which the roof sloping down to reduce the height of the conservatory does not mitigate.

Both the applicant and neighbouring property result in only a 6 metre distance from the conservatory to the rear boundary of the plots. Given the neighbour only experiences 6 metres of the common boundary with no development against it, this is considered to further enhance the overbearing impact to the neighbouring property.

The properties along this stretch of Victoria Avenue East have north facing gardens. As such, no.155 Victoria Avenue East experiences, due to the length of the proposal, loss of light in the afternoon impacting the enjoyment of the neighbour's rear amenity space. Whilst the materials for the walls offer a level of transparency, a feature highlighted within the supporting Design and Access statement, it still results in a blockage of natural light entering the neighbour's garden and so is not considered adequate to mitigate harm in this respect.

No.149 Victoria Avenue East sits to the west of the applicant site and given the conservatory extends across both the previously approved rear and side extension, the conservatory runs

along the common boundary with no.149 Victoria Avenue East. It is noted that no.149 Victoria Avenue East is a detached property and the built form of the dwellinghouse is set away from the shared boundary by 4 metres, at the closest point. However, the conservatory runs along the common boundary where the neighbour's utilise their rear garden. As such, the conservatory is considered to create an overbearing feature (although less severe than for the adjoining property), given it is read in conjunction with the existing side and rear extension which comes closer to the shared boundary than was previously the case. The proposal results in some loss of light in the morning for the neighbouring property, of which the semi-permeable nature of the conservatory does not go far enough to mitigate.

As such, the proposal is considered to cause significant harm to the surrounding neighbours in terms of visual/ residential amenity and is therefore contrary to the City Council's Planning Policies SP1 and DM1 of the Core Strategy for Manchester, JP-S1 of the Places for Everyone Plan and Policy DC1 of the Unitary Development Plan for the City of Manchester.

Design and Appearance

Whilst the conservatory with a projection of 3.5 metres would be considered to be pursuant with Policy DC1.3 of the UDP given it does not exceed the maximum projection, this must be read in conjunction with the existing side and rear extension at the site. In total, built form extends 7.7 metres from the rear building line of the property. As such, this would be contrary to Policy DC1.3 of the UDP in terms of projection and given the existing extent of built form to the rear of the property is considered excessively large, contrary to Policy DC1.2 of the UDP.

Whilst there is the Larger Homes Extension route allowing larger extensions, given the property type is not detached, the maximum that could be achieved through this route would be a projection of 6 metres. Therefore there is no Permitted Development fallback to consider, as is implied by the submitted Design and Access statement.

The built form from the rear building line of the host property exceeds the maximum projection that could be achieved through the Larger Homes Extension route by 1.7 metres. Given the proximity and relationship with the neighbouring properties and the short distance to the rear boundary of the site, the site is not considered suitable to accommodate the extended amount of built form given the constraints of the site. As such, the proposal is considered excessively large and bulky, contrary to Policy DC1.2 of the UDP.

The materials used in the conservatory consists of semi-permeable polycarbonate roofing panels and walls, white UPVC windows, a set of white UPVC double doors within the rear elevation with dark coloured cladding panels along the rear elevation. The materials chosen are not considered to be of a high quality. Whilst the insertion of UPVC windows and doors is acceptable and would be standard for the erection of a traditional style conservatory, the use of the semi-permeable polycarbonate roofing panels and walls is of a poor quality and does not work well as a material for a conservatory in the way shown on site. Further, the use of dark coloured cladding panels introduces a new architectural feature to the conservatory which is out of keeping in terms of colouration and material with that of the host property or previously approved rear and side extension. As such, it results in visual clutter to the structure and does not positively enhance the development on site in terms of design.

The poor choice of materials further exacerbate the dominant feature along the shared boundaries and as such, creates a visually intrusive and incongruous feature for the neighbouring properties. Whilst the structure is claimed to be 'non-permanent' no information is given to what this means and an application to secure permission would be on the basis of consent indefinitely. It is the choice of materials chosen which led to the 'non-permanent' nature

which further increase the harm of the structure. As such, the proposal is in contradiction to the use of materials and constructional details of the surrounding area and so is in turn, contrary to Policy DC1.2 of the UDP.

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 was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner, but a revised scheme which overcame concerns raised was not received.

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

1. Residential amenity-

The retention of the single storey rear conservatory, by virtue of its projection, siting, scale and massing forms an overbearing and visually intrusive feature leading to loss of light implications against the common boundaries with no.149 and no.155 Victoria Avenue East, given the existing single storey side and rear extension at the site, to the detriment of residential amenity. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1 of the

Core Strategy for Manchester, JP-S1 of the Places for Everyone Plan and Policy DC1 of the Unitary Development Plan for the City of Manchester.

2. Visual amenity-

The single storey rear conservatory by reason of the projection, colouration, appearance and materiality creates a visually intrusive feature. As such, the proposal harms the quality of the building and previous extensions at the property in visual terms, and adversely affect the visual amenity and character of the area. As such the proposal is contrary to the City Council's Core Strategy Planning Policies SP1, DM1 and EN1, JP-S1 of Places for Everyone, Policy DC1 of the Unitary Development Plan and Section 8 and 12 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

The Coal Authority

134 Victoria Avenue East, Manchester, M9 6HF
32 Inverness Avenue, Manchester, M9 6HN
136 Victoria Avenue East, Manchester, M9 6HF
132 Victoria Avenue East, Manchester, M9 6HF
13 Inverness Avenue, Manchester, M9 6HN
155 Victoria Avenue East, Manchester, M9 6HL
149 Victoria Avenue East, Manchester, M9 6HL

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA