MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140299/FH/2024
Date registered valid:	27 June 2024
Proposal:	Erection of part single, part two storey rear extension with conversion of garage and extended front porch.
Address:	100 Langport Avenue, Manchester, M12 4NG
Ward(s):	Ardwick Ward
Applicant:	Mr S Miah
Agent (if any):	Mr Stephen Nicholls Richmond Consultants
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	21 August 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 22 July 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 19 August 2024 Expired: 27 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 site is a three storey end-terraced dwellinghouse within a predominantly residential area of Ardwick ward. The property benefits from amenity space along the front and rear elevations only, with gated access along the rear boundary which backs onto a footpath. The frontage appears an "L" arrangement and as a result, the front door is recessed from the main building line along this elevation - this arrangement is replicated along the rear elevation. There is an existing garage, together with a front driveway and bins are stored within curtilage along the front elevation. The rear garden is relatively deep, measuring approximately 11.4 metres.

Site History

- 139667/FH/2024 - Erection of part single, part two storey rear extension and front porch, WITHDRAWN 05/2024.

- 136353/FH/2023 - Erection of part single part two storey rear extension, conversion of garage with elevational alterations and erection of front porch to form additional living accommodation, WITHDRAWN 05/2023.

Description of development

The initially submitted plan related to a proposed two storey rear extension with conversion of garage and extended front porch.

Following negotiations, the initially submitted plan has been revised in the interest of residential amenity, and revised plans subsequently submitted, (correspondence dated, 20/08/24). The title description of the proposal has been subsequently amended to reflect the latest set of plans.

The revised plans would comprise of a ground floor rear extension which would serve as a "lounge". It would be site along the side boundaries with nos. 102 and 96/98 Langport Avenue, whilst leaving a small gap from these boundaries, and it would measure approximately 4300 deep x 5312mm wide x 3187mm high. It would incorporate a lean-to pitch roof design, with 2no. windows along the roof elevation, together with bi-fold doors and 1no. door along the rear elevation.

The first floor rear extension element would serve as a "WC". It would be sited along the common shared side boundary with no.102 Langport Avenue whilst leaving a small gap from this boundary and along the first floor side elevation of the host dwelling, whilst being flush with its rear building line. It would measure approximately 2286mm deep x 1876mm wide x 5136mm high, and would incorporate a lean-to pitch roof design, with 1no. obscurely glazed window along the rear elevation.

The proposed extended front porch would be sited along the common shared boundary with no.102 Langport Avenue, and measure approximately 1685mm deep x 1896mm wide x 3468mm high. It would include 1no. door and 1no. window along the front elevation.

The submitted plan would also include an elevational alteration involving the introduction of bi-fold doors along the ground front elevation following removal of the existing integral garage door.

It is intended to use external facing materials matching the primary dwellinghouse.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objection, comment, or representation was received from one local resident:

The full grounds of their objection are set out below and they wish to highlight several areas of concern and irregularities:

1. There seems to be a discrepancy between documents -2557483 / FLOOR_PLAN-2557486 and document ELEVATIONS-2557482. The former documents seem to show that there will be a gap between the proposed extension and the boundary fence between 100 Langport Avenue and 96 Langport Avenue, while the latter document shows that the ground floor of the proposed extension extends right up to the boundary fence.
2.

3. If the proposed extension is built right up to and along the boundary fence for a distance of 4.3 meters, between the garden of the property in question and the garden of 96 Langport Avenue, how does No. 100 propose to build the brick wall of the ground floor extension without having access to the outer side of the wall which abuts the boundary fence with No. 96?
4. The land to the right of the proposed extension is wholly the garden of 96 Langport Avenue and the garden fence lies on this land. Along the fence on the No. 96 side there are well established plants and shrubs which No. 96 has invested in over the years.
5. Furthermore, concerning the comment made in document PHOTOGRAPHS_AND_PHOTOMONTAGES-2557484 about the retention of the obscure bathroom window on the gable end of No. 100, I would like to point out that the window was installed without permission from Nos. 96/98 to install a scaffolding and leave it in situ for months on the land belonging to Nos. 96/98.

Following revised plans, neighbours were re-notified. The following objection, comment, or representation was received from the same local resident:

The full grounds of their objection are set out below:

1. Having considered the two further documents added to the application on 9 August and the extended neighbour consultation period, I would like to add the following comments to those I have previously submitted.
2. I still oppose the planned extension because the newly submitted documents do not answer the question of how the applicant intends to build the brick extension wall extending from the gable end of the current building.
3. The proposed wall extends for a distance of 4.3m along the garden fence close to a shared boundary. The applicant will have no access to the outer side of the wall. There has been no consultation by the applicant as to how building that wall will affect neighbours, in particular, the potential damage to boundary fence and to garden.

POLICY

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

1. The National Planning Policy Framework (NPPF), (July 2021):

- Chapter 8: Promoting healthy and safe communities.
- Chapter 12: Achieving well-designed places.

2. 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.

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

In this instance, the initially submitted plan has been revised in the interest of residential amenity, and revised plans subsequently submitted, (correspondence dated, 20/08/24). The title description of the proposal has been subsequently amended to reflect the latest set of plans.

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and Visual Amenity

Impact of works (part single, part two storey rear extension) - In light of the revised plans, (correspondence dated, 20/08/24), and the existing contextual relationship along the boundaries; particularly along the side boundaries, with nos.102 and 96/98 Langport Avenue, and due to the sizable rear gardens and side garden of nos. 96/98 Langport Avenue, together with the footpath along the rear boundary, it is considered that the undue impact from massing has been mitigated. The revised proposal would be also contained within the curtilage of the

application site; coupled with that fact that the proposed 4300mm rearward projection ground floor extension would be significantly screened by the existing boundary treatment. The proposed first floor in-fill development would only measure approximately 2286mm deep, and it would not project beyond the existing rear building line, which is considered acceptable. The proposed roof design would also mitigate from the adverse impacts of massing, and therefore, it is considered that the proposed development would not present a significant adverse impact to residential amenity, nor is it considered that the proposed revised scale would be unduly overbearing, overshadowing or present any loss of privacy impacts. Therefore, on balance, and subject to planning conditions, the revised proposal could be accommodated in this location in this instance; pursuant with The Manchester Core Strategy Development Plan Document policy SP1, DM1; and saved policy DC1 of the Unitary Development Plan.

Impact of works (proposed extended front porch) - The host dwelling has a sizable amenity space along the front elevation, and given the existing front door being recessed from the front building line, the proposed built form forward of this elevation would only measure approximately 1685mm deep x 1896mm wide x 3468mm high, it is considered that the resultant contextual relationship could be accommodated in this location, in this instance without any significant adverse impacts to residential amenity, nor is it considered that the proposed scale would be unduly overbearing given the existing depth of front amenity space and the proposed depth of front amenity space that would still be retained, combined with the resultant separation distance that would still be retained from the Langport Avenue highway would not present any adverse impacts from undue visual intrusion along the street scene. Therefore, for these reasons, it is considered that the proposal could be accommodated in this location in this instance; pursuant with The Manchester Core Strategy Development Plan Document policy SP1, DM1; and saved policy DC1 of the Unitary Development Plan.

Impact of works (Elevational alterations involving removal of integral garage door along front elevation with replacement bi-fold doors to facilitate conversion of garage) - The nature of the proposed elevational alterations to the existing fenestration would broadly fall within householder general permitted development, and therefore, an application for planning permission would not usually be required. Moreover, for the nature of the property as a dwellinghouse, and due to the fact that the property is not within a designated area of special control such as a Conservation Area, nor is it a Listed Building, or near a listed asset, it is considered that this element of the submitted plan would be acceptable as it is unlikely to present any significant adverse impacts to residential or visual amenity; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Impact of works (Design and appearance) - The proposed development is considered to be acceptable in design terms as it would broadly mirror similar developments along the neighbourhood, and it is intended to match materials with those of the existing building. However, a materials condition has been attached to ensure that materials are adhered to; pursuant with The Manchester Core Strategy Development Plan Document Policies SP1 and DM1 and saved Policies DC1 of the Unitary Development Plan.

Impact of works (car parking) - Although the proposed elevational alterations involving removal of the existing integral garage door along the front elevation to facilitate the garage

conversion would result in the reduction of the number of on-site car parking spaces, the front driveway would be unaffected, thereby, still maintaining off-street car parking; which is considered acceptable, pursuant to policy T2 of the Core Strategy and saved policy DC1 of the UDP.

Impact of works (waste management) - The existing arrangement would be unaffected, pursuant to policy EN19 of the Core Strategy and saved policy DC1 of the UDP.

Objectors' comments - In terms of planning comments raised by the objector, these have been duly considered in the issues section above. Comments relating to civil matters, trespassing, shared ownership matters, boundary disputes, and party wall issues would fall outside of planning legislation and therefore cannot be considered as part of this planning application.

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) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 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 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, following negotiations, the initially submitted plan has been revised in the interest of residential amenity, and revised plans subsequently submitted, (correspondence dated, 20/08/24). 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 and Existing and Proposed Site Plan with application site edged in red, Drawing Number 18.24 LA104, Rev A, received by the City Council as the Local Planning Authority on 20 August 2024.

- Existing Floor Plans, Drawing Number 18.24 LA100, received by the City Council as the Local Planning Authority on 17 June 2024.

- Existing Elevations, Drawing Number 18.24 LA10, received by the City Council as the Local Planning Authority on 17 June 2024.

- Photos and Photomontages, received by the City Council as the Local Planning Authority on 17 June 2024.

- Proposed Floor Plans, Drawing Number 18.24 LA102, Rev B, received by the City Council as the Local Planning Authority on 20 August 2024.

- Proposed Elevations, Drawing Number 18.24 LA103, Rev C, received by the City Council as the Local Planning Authority on 20 August 2024.

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

3) The materials used to construct the external elevations of the extension hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing, and as stated on the approved plans and submitted information.

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 Manchester Core Strategy (2012).

4) 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 shown on: Proposed Floor Plans, Drawing Number 18.24 LA102, Rev B, and Proposed Elevations, Drawing Number 18.24 LA103, Rev C, both received by the City Council as the Local Planning Authority on 20 August 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 Core Strategy for the City of Manchester (2012).

5) Before first occupation of the development thereby approved, the proposed window along the first floor rear elevation to serve the annotated "WC" and as shown on: Proposed Floor Plans, Drawing Number 18.24 LA102, Rev B, and Proposed Elevations, Drawing Number 18.24 LA103, Rev C, both received by the City Council as the Local Planning Authority on 20 August 2024; shall both 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 policies SP1 and DM1 of the Manchester Core Strategy (2012), and policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995).

6) 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

96 Langport Avenue, Manchester, M12 4NG
39 Langport Avenue, Manchester, M12 4NG
104 Langport Avenue, Manchester, M12 4NG
Tsabaoth Freedom Centre Church, 2 Exeter Close, Manchester, M12 4AW
88 Langport Avenue, Manchester, M12 4NG
86 Langport Avenue, Manchester, M12 4NG
84 Langport Avenue, Manchester, M12 4NG
102 Langport Avenue, Manchester, M12 4NG
98 Langport Avenue, Manchester, M12 4NG
94 Langport Avenue, Manchester, M12 4NG
92 Langport Avenue, Manchester, M12 4NG
90 Langport Avenue, Manchester, M12 4NG

Appendix 2 – Planning constraints

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