

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139265/FH/2024
Date registered valid: 8 March 2024
Proposal: Proposed double storey extension wrap around
Address: 18 Boardman Road, Manchester, M8 4WJ
Ward(s): Crumpsall Ward

Applicant: Salah
Agent (if any): Mr - Karim
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 1 May 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 22 April 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 18 March 2024 Expired: 10 April 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 property is located within a predominantly residential area, is semi-detached and situated within a corner plot. There is a variety of boundary treatments around the property.

The proposal is for a double storey extension wrap around.

There are no previous planning applications at the property.

Negotiations

The applicant was advised to amend the proposal by pulling the first-floor rear bedroom away from the common boundary with 33 Highclere Road to reduce the overbearing impact of the extension and pull away the first-floor bedroom window currently directly overlooking no.20 Boardman Road. The applicant requested the proposal be determined without the suggested alterations to the scheme.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and two letters of objection was received. The issues raised are set out below.

- o the proposal would overlook neighbouring properties and cause shadowing.
- o the works to the chimney and party wall have been carried out without consent.

Response to Objectors.

A site visit revealed internal structural works and the removal of the chimney has taken place. Planning permission is not required for the works that have been currently carried out.

The two storey rear extension would cause significant overlooking for the occupants of no. 20 Boardman Road, however the extent of built form on the non-adjoining property is considered to be acceptable.

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 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'.

You can view the Inspectors' Report on the GMCA's website at Places For Everyone - Greater Manchester Combined Authority (greatermanchester-ca.gov.uk). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

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.

Principle

The proposed development is a two storey wrap around extension to increase the floor space for the existing house. The proposal is not considered to be acceptable in this instance as it would, by virtue of the siting, scale and appearance of the extension would create an overly dominant feature and result in overlooking to the detriment of visual and residential amenity.

Residential Amenity

The first-floor rear and side extension element of the proposal increases built form towards to the adjoining boundary with no. 20 Boardman Road and due to the position of the bedroom window, would directly overlook no. 20 Boardman Road.

The orientation of the building coupled with the close proximity of the rear window to the neighbouring property would overlook the rear garden. Therefore, the development would harm the living conditions of neighbouring occupiers, with particular regard to overlooking. 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.

Visual Amenity

The proposed first floor rear extension has been sited within close proximity to the boundary with the adjoining property which would have a detrimental impact upon the residential and visual amenity to the occupiers at no.33 Highclere Road. 33 Highclere Road has a bedroom window on the rear elevation in close proximity to the shared boundary and as a result of this relationship, the extension when viewed from the bedroom window due to the extensions height, scale and massing would be visually intrusive and detrimental in terms of this.

The extension in terms of its height, scale and massing would appear bulky and overlarge when view from the surrounding gardens that surround the site. Therefore, the proposed extension is not considered to be acceptable in terms of its overall size, projection, scale, mass, bulk.. The adjoining occupiers would potentially view an excessively large extension at first floor level, creating an overbearing presence in the form of expanse of brickwork along this boundary.

The proposal is contrary to policies SP1 and DM1 of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1 and the guidance within the National Planning Policy Framework.

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 erection of a two-storey rear extension at 18 Boardman Road by virtue of its siting, scale, bulk and appearance would result in an overly dominant and visually intrusive feature at the rear of the property together with the creation of a large expanse of brick work along the adjoining boundary with no. 33 Highclere Road. The first-floor rear bedroom window due to its close proximity to the adjoining boundary with no.20 Boardman Road, results in overlooking. Therefore, the extension results in an overly dominant feature at first floor level creating an unsatisfactory relationship with neighbouring properties resulting in overbearing and overlooking, which would be detrimental and unduly harmful to residential and visual amenity. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

33 Highclere Road, Manchester, M8 4FJ
29 Boardman Road, Manchester, M8 4WS
2 Dales Avenue, Manchester, M8 4NU
35 Highclere Road, Manchester, M8 4FJ
20 Boardman Road, Manchester, M8 4FH
27 Boardman Road, Manchester, M8 4WS

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
Area Team Boundary - Name: NORTH AREA