

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139510/FH/2024
Date registered valid: 12 March 2024
Proposal: Erection of part single and part two storey rear extension.
Address: 7 Edson Road, Manchester, M8 4WF
Ward(s): Higher Blackley Ward

Applicant: Mr A Hussain
Agent (if any): Mr N Khan, NK Architectural
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 5 May 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 16 April 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 March 2024 Expired: 13 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

Description of site / building / area

The application dwellinghouse is a brick facing, hip roof, semi-detached dwellinghouse close to the head of a turning circle, along a short cul-de-sac position, in the predominantly residential area of the Higher Blackley ward of north Manchester.

The application site benefits from a modest size amenity space to the front (approximately 4.8 metres deep x 7.6 metres wide), side (there is no defined boundary treatment the elevation and appears to be shared with no. 9 Edson Road) and rear elevation (approximately 8.4 metres deep x 7.6 metres wide), including boundary treatment along the front and rear perimeter. There is an existing single storey rear extension, including an outbuilding along the rear garden.

The properties within the immediate area are densely populated and are of a similar appearance and materials to the proposal site.

Dwellinghouses along Southbrook Avenue, (in particular, no. 5 Southbrook Avenue) run along the rear boundary of the application. The houses along the street scene are noticeably elevated, and thereby, given this pre-existing contextual relationship, the topography along the rear garden of the application site and that of no. 5 Southbrook Avenue immediately along the rear boundary is noticeably elevated, coupled with the fact that the pre-existing separation

distance is only approximately 16.7 metres between the two properties - (first floor window to window); and therefore, there is a pre-existing privacy distance issue.

Site History

- No site history.
- No pre-application advice was sought from the local planning authority in relation to this application.

Description of development

The submitted application proposes the erection of a part single and part two storey rear extension.

Concerns have been expressed to the planning agent regarding the submitted plan; particularly in relations to the proposed overbearing massing impact and visually intrusive outlook along the first floor boundaries from the neighbouring gardens, coupled with the proposed separation distance and the resultant privacy impact matters, in addition to and the resultant overdevelopment of the rear yard curtilage. As the planning application could not be supported on the basis of the information available, the agent was asked to confirm how they wished to proceed with the application, within specified timescales. No further correspondence has been received from the agent and therefore the application will be recommended for refusal.

The proposal along the ground floor would be stepped away approximately 217mm from the common shared boundary with no. 5 Edson Road to leave a small gap from this boundary, and whilst being flush with the side building line of the original dwellinghouse on the opposite side (elevation along the boundary with no. 9 Edson Road). This element would measure approximately 5666mm wide x 3000mm deep x 3409mm maximum height. It would incorporate a lean-to pitched roof design with 1no. window along the roof elevation, including French doors and windows along the rear elevation.

The proposed first floor element would also be flush with the side building line of the original dwellinghouse - (elevation along the boundary with no. 9 Edson Road); whilst retaining a separation distance of approximately 2516mm from the first floor common shared boundary with no. 5 Edson Road, and would measure approximately 3244mm wide x 3000mm deep. This element would have a hip roof design with the proposed roof ridge set below the ridge of the existing house, including 1no. window opening along the rear elevation. It is intended to use external facing materials to match the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

POLICY

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

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

2. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

3. Places for Everyone (2024) -

The 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. Otherwise, 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 be given significant weight in the planning balance.

4. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)

5. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

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

- Chapter 2: Design

Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

ISSUES

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle

The principle of extending one's home 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 the submitted drawings include a number of issues and concerns regarding the proposed overbearing massing impact and visually intrusive outlook along the first floor boundaries from the neighbouring gardens, coupled with the proposed separation distance and the resultant privacy impact matters, in addition to the resultant overdevelopment of the rear yard curtilage; which means the application cannot be approved. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

Residential and Visual Amenity

Having assessed the proposal, and on balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

As previously stated, the application site benefits from a modest size amenity space. There is no defined common shared boundary treatment with no. 9 Edson Road and consequently, there appears to be a communal shared access along this elevation. There is also an outbuilding along the rear garden of the application site - (which is to be retained). The properties within

the immediate area are densely populated and the dwellinghouses along Southbrook Avenue, (in particular, no. 5 Southbrook Avenue) run along the rear boundary of the application. The houses along the street scene are noticeably elevated, and thereby, given this pre-existing contextual relationship, the topography along the rear garden of the application site and that of no. 5 Southbrook Avenue immediately along the rear boundary is noticeably elevated, coupled with the fact that the pre-existing separation distance is approximately 16.7 metres between the two properties - (first floor window to window); and therefore, there is a pre-existing privacy distance issue.

As a consequence of this pre-existing relationship, coupled with the pre-existing housing density, together with the proposal coming forward of the common shared boundaries with no. 5 Edson Road and no. 5 Southbrook Avenue; it is considered that although the proposed extension would project approximately 3000mm deep along the rear elevation, the resultant massing impact would be unduly overbearing, thereby creating a visually intrusive outlook; particularly, along the first floor boundaries and from the neighbouring gardens, specifically nos. 5 and 9 Edson Road and no. 5 Southbrook Avenue. Moreover, the resultant separation distance from no. 5 Southbrook Avenue would be reduced to approximately 13.7 metres between the two properties - (first floor window to window); thereby exacerbating this pre-existing privacy distance issue. The Local Planning Authority is therefore unable to support this application, as it conflicts with the principles set out under policies DM1, SP1, EN1 of the Core Strategy; saved UDP policy DC1; and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposed resultant overall mass of built form projecting forward of and along the common shared boundaries with nos. 5 and 9 Edson Road and no. 5 Southbrook Avenue, is considered to be unduly overbearing and visually intrusive in terms of outlook from the neighbouring properties and garden, and therefore, the proposed development does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1, SP1, EN1 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 cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal, therefore, cannot be supported by the Local Planning Authority.

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 communicated their concerns about this proposal during the course of the planning application and have attempted to work with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with 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.

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

1) The proposed extension by reason of the resultant overall mass of built form coming forward of and in such close proximity to the common shared boundaries with nos. 5 and 9 Edson Road, and no. 5 Southbrook Avenue would create an overbearing and visually oppressive feature in terms of outlook from the neighbouring properties and gardens; contrary to the provisions of policies DM1, SP1, EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed extension by reason of its relationship along the first floor common boundary with no. 5 Southbrook Avenue, coupled with the extension coming forward of and in such close proximity to this boundary, together with the proposed habitable room window located along the first floor rear elevation would unduly impact upon the privacy of the occupiers of neighbouring property, resulting in loss of amenity of the current and future occupants; contrary to policies DC1 of the Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of Manchester's Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

11 Edson Road, Manchester, M8 4WF
5 Southbrook Avenue, Manchester, M8 4NH
10 Edson Road, Manchester, M8 4WF
9 Edson Road, Manchester, M8 4WF
8 Edson Road, Manchester, M8 4WF
5 Edson Road, Manchester, M8 4WF
7 Southbrook Avenue, Manchester, M8 4NH
3 Southbrook Avenue, Manchester, M8 4NH
1 Southbrook Avenue, Manchester, M8 4NH

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA