

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139202/FH/2024
Date registered valid: 19 March 2024
Proposal: Erection of single storey front, side and rear extension to provide additional living accommodation
Address: 18 Rimsdale Drive, Manchester, M40 0GN
Ward(s): Moston Ward

Applicant: Mr Lewis Wah Ping Luen
Agent (if any): Mr Sabin Zannou, LDM Group
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 8 May 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 16 April 2024

Standard consultations:

Printed: 5 April 2024 Expired: 26 April 2024

Neighbour notifications

Printed: 5 April 2024 Expired: 26 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 site is a modern, 2 storey, detached dwellinghouse within a predominately residential housing estate in the Moston ward of north Manchester. It is corner property and therefore visually prominent along the Rimsdale Drive highway. There is existing amenity space along the front and rear elevations, existing integral garage, and driveway along the front elevation, including a canopy covering projecting along the rear building line. There is boundary treatment along the side and rear perimeter, comprising of a combination of timber frame panel fencing and brick wall - approximately 1.8 metres high. The existing brick boundary wall along the Rimsdale Drive street scene is immediately bordered by a parcel of green space with planting, thereby, retaining a separation from the public pavement, in addition to preserving the building line along the street scene, along this elevation.

Site Planning History

- Apart from the planning permissions that granted consent for the housing development on the site - (Ref: 062879/00/NORTH1/01, 064313/MO/NORTH1/02, 079533/FO/2006/N1), there is no other record.

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

Description of development

The submitted application proposes a single storey front, side and rear extension to provide additional living accommodation.

The submitted plans also proposed conversion of the existing garage to living accommodation, including an elevational alteration involving the removal of the garage door with replacement window.

Concerns have been expressed to the planning agent regarding the submitted plan; particularly in relation to the proposed scale of the development with the side extension coming forward of the Rimsdale Drive highway, coupled with the loss of the existing boundary treatment along this elevation, and the resultant visual intrusion long the Rimsdale Drive highway, in addition to the de-establishment of the pre-existing building line along this elevation. 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 proposed single storey front, side and rear extension would be flush with the front building line of the existing garage and would measure approximately 6982mm wide along the front elevation. It would then project approximately 13,183mm along the side elevation to the back of pavement along the Rimsdale Drive highway, then come forward of the common shared boundary with no. 20 Rimsdale Drive approximately 10,178mm wide, then flush with the side building of the host building. It would incorporate a combined lean-to, pitched roof design - maximum proposed height approximately 3623mm and would include 2no. windows and a door along the front elevation, 2no. windows along the side elevation, 4no. windows along the rear roof elevation, including windows and French doors along the rear elevation. The submitted plans also proposes conversion of the existing garage to living accommodation, including an elevational alteration involving the removal of the garage door with replacement window. It is intended to use materials matching those of the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. Objections were received from two local residents. A summary of the objections, comments, or representations received are outlined below:

Objector 1.

Concerns raised in relation to any guttering along the side elevation overhanging the public footpath.

Objector 2.

Concerns raised in relation to the submitted location plan not being accurate and therefore the proposal would include land not in the ownership of the applicant, along with associated encroachment matters and boundary dispute. The loss of the existing boundary treatment, green space and vegetation to accommodate the proposed extension and the impact along the public pavement and immediate boundaries.

POLICY

The following 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 scale of the development, with the side extension coming forward of the Rimsdale Drive highway, coupled with the loss of the existing boundary treatment along this elevation, and the resultant visual intrusion along the Rimsdale Drive highway; in addition to the de-establishment of the pre-existing building line; 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 is a corner property and therefore visually prominent along the Rimsdale Drive highway. The existing brick boundary wall along the Rimsdale Drive street scene is immediately bordered by a parcel of green space with planting, thereby, retaining a separation from the public pavement, in addition to preserving the building line along the street scene, along this elevation.

As a consequence of this pre-existing relationship, although the proposed rearward projection of the extension would not exceed 3500mm, it is considered that pre-existing contextual relationship along the side boundary, coupled with the proposed side extension element coming forward of the Rimsdale Drive highway and being sited to the back of pavement, and projecting approximately 13,183mm along the back of pavement, coupled with the loss of the existing boundary treatment along this elevation, and the resultant visual intrusion along the Rimsdale Drive highway; in addition to the de-establishment of the pre-existing building line; 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 scale of built form projecting forward of the Rimsdale Drive highway and being sited to the back of pavement, coupled with the loss of the existing boundary treatment along this elevation, and the resultant visual intrusion along the Rimsdale Drive highway; in addition to the de-establishment of the pre-existing building line; it is therefore considered that 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

In assessing the merits of this planning application, officers have sought to work with the agent in a positive and proactive manner in seeking solutions to any problems arising during the course of the application, in the case of this particular application no pre-application advice was sought before the application was submitted. The proposal is clearly contrary to the provisions of the Development Plan, and a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached.

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

1) The proposed extension, by reason of its position to the side elevation of the application site close to back of footpath would create a visually incongruent development that projects forward of the established building line of Rimsdale Drive restricting views along the street scene into and out of Rimsdale Drive to the detriment of the layout of the street and the character of the area; 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 side extension, by reason of its siting and footprint, would be positioned in a prominent location which would result in an overbearing unacceptable development located within close proximity to the back of footpath, particularly on entering and leaving Rimsdale Drive. It is considered that this would as a consequence cause a harmful loss of residential amenity to occupiers of surrounding properties and harmful to the character of the area. The proposal is therefore contrary to contrary to save policy 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

Environmental Health

22 Rimsdale Drive, Manchester, M40 0GN
30 Rimsdale Drive, Manchester, M40 0GN
31 Rimsdale Drive, Manchester, M40 0GN
29 Rimsdale Drive, Manchester, M40 0GN
17 Rimsdale Drive, Manchester, M40 0GN
16 Rimsdale Drive, Manchester, M40 0GN
20 Rimsdale Drive, Manchester, M40 0GN
31 Merridale Road, Manchester, M40 0AD
19 Rimsdale Drive, Manchester, M40 0GN

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 -
Area Team Boundary - Name: NORTH AREA