

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140012/JO/2024

Date registered valid: 31 May 2024

Proposal: Variation of condition 2 (specified plans) attached to planning permission referenced 136822/FH/2023 to allow changes to the extension footprint and roof design.

Address: 378 Lathbury Road, Manchester, M40 8NS

Ward(s): Harpurhey Ward

Applicant: Mr Chandra Prajapati

Agent (if any): Mr V Alyas Architek

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

Recommendation: Approve

Date of recommendation: 25 July 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 June 2024 Expired: 26 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 378 Lathbury Road within the north Manchester ward of Harpurhey. The application site is a semi-detached, red brick, two storey new built dwellinghouse with a red brick front porch. Amenity space to the front of the property is characterised by hardstanding to the front, which extends to the side of the property. Amenity space to the rear is characterised by further hardstanding. An existing conservatory is sited to the rear of the property, in addition to a further outbuilding.

The surrounding area is residential in nature.

Description of development

The current application seeks permission for the variation of condition 2 (specified plans) attached to planning permission referenced 136822/FH/2023 to allow changes to the extension footprint and roof design.

The application of 136822/FH/2023 sought consent for the erection of single storey side and rear extension to form additional living accommodation, following demolition of existing conservatory, approved 21 June 2023.

The works approved included:

The proposal would create a wraparound extension at ground floor level. The side extension would have approximate dimensions of Height: 3.2 x Length: 6.8 x Width: 3.3 metres, whilst the rear extension would have approximate dimensions of Height: 3.6 x Length: 4 x Width: 7.4 metres. The proposal would create a bedroom, bathroom and kitchen/dining room. The proposal would involve the insertion of a window within the front elevation, and double windows and a sliding door within the rear elevation. Three skylights would be inserted in the roof plane of the proposal. Materials to be used throughout the proposal would match that of the host property.

Through the current variation application consent is sought for changes to the extension footprint and roof design. This would involve the extension increasing the rear projection – from a previously approved projection of 4 metres to 4.4 metres. Further, the roof form of the rear extension would be amended from a lean to roof to a hipped roof. At the highest point of the roof forms, the proposal would increase from an approximate height of 3.3 metres within the previously approved application to a height of 4 metres. The placement of roof lights would also be altered as a result of the proposal.

Within the application form, the agent confirms the reason for the application is to accommodate the kitchen units and so the need for additional space/ projection and the change in roof form is due to a structural issue with the approved lean to roof.

Negotiations during the course of the Application

The original plans showed a gable roof formation. Via email on 18 June 2024, the agent was advised that the application could not be supported due to concerns in which the altered roof form would give rise to adverse implications to the neighbouring properties.

A revised acceptable scheme with a hipped roof was provided by the agent on 23 July 2024 for consideration. The revised scheme is considered acceptable and assessed within this application.

Further Planning History

048403/FO/NORTH2/95- Vacant Land At Lathbury Road/Queens Road, Monsall- Mixed development comprising 240 flats/houses, 5 retail units (A1, A2, A3 use), an office unit (B1) and associated car parking. Approved 14 June 1996.

F07801/LA- Monsall Street/Queens Road & Railway Line, Collyhurst- Flat development comprising 26 one bedroom 2 person flats and 28 two bedroom 3 person flats. Approved 1 March 1978.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses 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)

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

The current application seeks permission for the variation of condition 2 (specified plans) attached to planning permission referenced 136822/FH/2023 to allow changes to the extension footprint and roof design.

Through the current variation application consent is sought for changes to the extension footprint and roof design. This would involve the extension increasing the rear projection – from a previously approved projection of 4 metres to 4.4 metres. Further, the roof form of the rear extension would be amended from a lean to roof to a hipped roof. At the highest point of the roof forms, the proposal would increase from an approximate height of 3.3 metres within the previously approved application to a height of 4 metres. The placement of roof lights would also be altered as a result of the proposal.

Within the application form, the agent confirms the reason for the application is to accommodate the kitchen units and so the need for additional space/ projection and the change in roof form is due to a structural issue with the approved lean to roof. This is considered acceptable in principle, however thought is required towards the additional projection and amended roof form in terms of amenity implications and design and appearance. These issues will be discussed in further detail.

Visual Amenity

The proposal would increase in projection by 0.4 metres and the roof would be amended from a lean to roof to a hipped roof.

No.376 Lathbury Road adjoins the applicant site, but due to their own extensions would only feel 1 metre of built form beyond their rear building line. Given the additional built form to be felt by the neighbour would be minimal, the additional 0.4 metre projection is considered acceptable in terms of harm to the adjoining property. Given the additional projection would have a hipped roof whereby the apex of the roof is sited away from the shared boundary and given the roof slopes away from the apex, the roof is considered to be designed in a way that minimises impact to the adjoining property.

Given the previous approval relates to both a side and wrap round rear extension, no.380 Lathbury Road would feel additional built form along the side and beyond their rear building line. As such, the neighbour would experience an additional 4.6 metres of built form beyond their rear building line. Given the neighbour under the previous approval felt an additional 4.2 metres beyond their existing rear building line, the additional 0.4 metres is not considered to create a drastically different impact to the neighbour, given the roof form chosen minimises impact to the neighbour by pulling built form in the roof level away from the shared boundary.

As such, the proposal would be considered pursuant to Policy DC1 of the UDP, Core Strategies policies DM1 and SP1 and Places for Everyone policy JP-S1.

Design and Appearance

Given the LPA has already approved a 4 metre extension at the site, the additional 0.4 metres is considered to not cause a dramatically different impact than the previously approved circumstance. The proposed roof form of a hipped roof whereby the highest point is sited centrally and furthest from the common boundaries with the neighbouring properties is considered to be appropriate in scale and form. Therefore, the proposal is considered to be acceptable in terms of scale, massing, projection and siting, pursuant to Policy DC1 of the UDP, Core Strategies policies DM1 and SP1 and Places for Everyone policy JP-S1.

Conclusion

The proposed variation application is considered acceptable. The additional projection is minimal and the roof form chosen would help minimise the impact of the additional built form, to protect the amenity of the surrounding properties. As such the proposal is pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone, the Guide to Development in Manchester SPD and 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: Approve

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. Concerns were raised during the course of the application to the agent and a revised scheme overcoming concern was provided and considered acceptable. Appropriate conditions will be attached to any approval granted.

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 21 June 2026.

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:

-Householder Application Form for Planning Permission for works or extension to a

dwelling, stamped as received by the City Council as Local Planning Authority on 14 May 2024. -Drawing- Existing & Proposed- Location Plan, Elevations and Floor Plans, numbered X5 Drawings Pack Rev P1A, stamped as received by the City Council as Local Planning Authority on 23 July 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

5) Prior to the occupation of the development hereby approved, full details of a secure and ventilated bin storage area, including location and any elevations, shall be submitted to the City Council as local planning authority for prior approval in writing. The bin storage area shall be implemented in accordance with the approved scheme and be in place prior to the first use of the development and shall be so maintained and retained at all times thereafter.

Reason - In the interests of the provision of off-street car parking, and the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

Appendix 1 – List of consultees & neighbours notified

7 Porter Drive, Manchester, M40 8NW
3 Porter Drive, Manchester, M40 8NW
380 Lathbury Road, Manchester, M40 8NS
5 Porter Drive, Manchester, M40 8NW
376 Lathbury Road, Manchester, M40 8NS

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
Area Team Boundary - Name: NORTH AREA