

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139217/FO/2024

Date registered valid: 9 February 2024

Proposal: Erection of pitched roof with associated dormer to create an additional 1 bedroom self-contained flat at second floor

Address: 20 Eastwood Road, Manchester, M40 3TF

Ward(s): Moston Ward

Applicant: Mr Avni Brucaj, Red Eagle Holdings Ltd

Agent (if any): Mr Sohail Musa, SMS Architecture

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 3 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 18 March 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 14 February 2024 Expired: 6 March 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

This application relates to a commercial premises. The area in which it sits is predominately residential in nature and is situated within the Moston Ward of Manchester.

Planning permission is sought for the erection of a pitched roof with associated dormers to create an additional 1 bedroom self-contained flat at second floor level.

The ground floor premises operates as a car showroom, with the first-floor accommodation used as a flat. The current uses within 20 Eastwood Road are unauthorised. The site comprises of a two-storey flat roofed building and car parking within the front of the site, facing Eastwood Road.

The site is bound by fencing and within the curtilage of the site is situated an unauthorised large free standing totem type advertisement display within the forecourt area. The site is accessed via a metal weld fence and gate from Eastwood Road.

The premises is sited towards the back of the site and is bound by Eastwood Road and Haddon Avenue, both of which are predominantly two storey terraced and semi-detached properties.

Consultations & Notification Responses

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

- o The increase in the number of flats could turn into a HMO.
- o Since the premises has been occupied there has been overlooking.
- o Light pollution is an ongoing problem since the building has been occupied.
- o The height of the roof would impact on shadowing and reduce the amount of sunlight for the occupiers of the surrounding properties.
- o The current use as a garage results in car parking problems for local residents.

Response to Objectors Comments

The issues relating to using the unit as a HMO, light pollution and car parking within the area would have been considered as part of a planning application, had the applicant applied for consent, or sought to regularise the use, and had the proposal been acceptable the issues raised by the objector would have been potentially dealt with via an appropriate planning condition, if not resolved through the duration of the planning application process. The other issues raised by the objector, such as overlooking and shadowing will be discussed within the body of this report.

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 climate change, including moving to a low carbon economy.

The following specific 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 roof extension creating a second floor to increase the floor space for the existing flat on the first floor. The proposal is not considered to be acceptable in this instance as it would, by virtue of the siting, scale and appearance of the roof extension and dormers, create an overly dominant and incongruous feature of the property to the detriment of visual and residential amenity.

Visual Amenity

The roof extension increases the overall height of the building by 2.6 metres and incorporates two rear dormers and one dormer to the front elevation. It is not clear from the submission whether the first floor flat has been previously occupied. However, the layout suggests that a bathroom, kitchen, and bedroom are proposed at second floor level to create one residential unit.

The installation of an apex roof would generally be acceptable in architectural terms, as the current flat roof is at odds with the surrounding properties. The rear dormers in design terms would also be otherwise considered to be acceptable. The issue with this extension is the increase in the overall height of the building, and when viewed in conjunction with the surrounding properties results in an overly large and incongruous feature appearing overly dominant. Consequently, the extension does not make a positive contribution to the surrounding area.

It is noted that the existing property, or those in the surrounding area are of no particular architectural merit. Notwithstanding this, the extension and alteration to the property fails to respond positively to the built environment. The extension is visible from the public domain, such as Eastwood Road and Haddon Avenue and would be contrary to DC1 section b which states that extensions should consider the effect upon the amenity of neighbouring occupiers, and d. the overall appearance of the proposal in the street-scene; (this proposal is in direct conflict with saved policy DC1) which discourages such additions. The extension is also highly visible from within the properties that immediately abuts the site and would not be in keeping with the area where no other such style of extension is evident.

The rear dormers are considered to be subservient to the roof and would otherwise be of an acceptable design. However, the front dormer would appear to be an incongruous addition, seen nowhere within the street scene or the surrounding area. As a result, it does not help it to blend into the roofscape.

The development therefore causes harm to the character and appearance of the surrounding area and conflicts with policies SP1, EN1 and DM1 of the Manchester Core Strategy 2012 and saved Policy DC1 of the Unitary Development Plan for the City of Manchester Adopted July 1995. These require, among other things, that developments are well designed having regard to scale, form and massing; that it is not excessively large, and that it protects and enhances the built environment.

Residential Amenity

By virtue of the height, width and rearward projection of the second-floor extension, the development has created significant bulk and built form on the neighbouring boundaries.

The 2.6 metres height increase to the roof and the addition of two dormers would bring built form closer to the boundaries with the neighbouring properties, in particular number 10 Haddon Avenue and 18 Eastwood Road, which can readily view the extension from the garden of the nearby properties.

The dormer extension element of the proposal increases the roof height of the host building and directly overlooks number 10 Haddon Avenue and may result in an element of shadowing at certain times of the year. The close proximity of the extension would create a unsatisfactory relationship with the neighbouring properties and result in a significant overbearing impact which causes undue harmful to residential amenity.

The orientation of the building coupled with the close proximity to the neighbouring properties would cause potential overshadowing and have an overbearing impact. The introduction of a roof and dormer extension exacerbates an already compromised outlook for the occupants of no 10 Haddon Avenue and an increase in built form to an already cramped layout between buildings increases the harm caused by the introduction of a second-floor extension to the roof.

Therefore, the development has therefore harmed the living conditions of neighbouring occupiers, with particular regard to overbearing and 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.

Conclusion

It is considered that the proposed extension would lead to the formation of a disproportionately high addition to a building within a tightly constrained site, which would poorly relate to neighbouring housing and the surrounding street scene.

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 second-floor roof extension results in an overly dominant feature at roof level of the property, creating an unsatisfactory relationship with neighbouring properties resulting in overbearing and overlooking, particularly on 10 Haddon Avenue to the detriment of residential amenity.

The siting, scale and appearance of the development has resulted in an overly dominant and incongruous feature at roof level of the property which is out of character and detrimental to the visual amenity of the property and the wider area and as such the development would be contrary to the Policies SP1, EN1 and DM1 of the of the Core Strategy of the Local Development Framework and Saved Policy DC1 of the Unitary Development Plan for the City Of Manchester.

Appendix 1 – List of consultees & neighbours notified

17 Eastwood Road, Manchester, M40 3TE
21 Eastwood Road, Manchester, M40 3TE
19 Eastwood Road, Manchester, M40 3TE
15 Eastwood Road, Manchester, M40 3TE
346th Manchester Scouts Group, The Scout Association, 22 Eastwood Road, Manchester, M40 3TF
18 Eastwood Road, Manchester, M40 3TF
18A Eastwood Road, Manchester, M40 3TF
19 Haddon Avenue, Manchester, M40 3SB
23 Eastwood Road, Manchester, M40 3TE
17 Haddon Avenue, Manchester, M40 3SB
15 Haddon Avenue, Manchester, M40 3SB
8 Haddon Avenue, Manchester, M40 3SB
11 Haddon Avenue, Manchester, M40 3SB
13 Haddon Avenue, Manchester, M40 3SB
61 Belgrave Road, Manchester, M40 3SS
25 Eastwood Road, Manchester, M40 3TE
10 Haddon Avenue, Manchester, M40 3SB
9 Haddon Avenue, Manchester, M40 3SB

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 -
Area Team Boundary - Name: NORTH AREA