MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139105/FH/2024
Date registered valid:	26 January 2024
Proposal:	Erection of a part-single / part-two storey side and rear extension together with a front porch to form additional living accommodation.
Address:	94 Avon Road, Manchester, M19 1JW
Ward(s):	Burnage Ward
Applicant:	Mr Sarwar Dlaghue
Agent (if any):	Mr Ismail Satwilkar, Irasia Designs - Architectural Services
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**13 March 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 9 February 2024

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 1 February 2024 Expired: 22 February 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey semi-detached C3 dwellinghouse of redbrick with a grey slate hipped roof. The property features white uPVC windows, including a ground-floor bay to the front, a front porch extension, a two-storey front outrigger, a tarmac driveway and paved yard bordered by a mid-level redbrick wall, a single-storey rear extension, and a detached outbuilding situated within the rear garden.



Figure 1. Principal elevation.



Figure 2. Side of property.



Figure 3. Rear elevation.



Figure 4. Shared boundary with No.92 Avon Road.



Figure 5. Shared boundary with No.96 Avon Road.



Figure 6. Rear amenity space.

Description of area

Avon Road is a residential street situated within the Burnage ward of Manchester, close to Cringle Playing Fields, Heaton Moor, and St Bernard's RC Church. The area is predominantly residential in terms of its character, consisting of terraced and semi-detached residential properties, and benefits from its proximity to public outdoor amenity and green spaces.

Description of development

The applicant is seeking permission for the erection of a part-single / part-two storey side and rear extension together with a front porch to form additional living accommodation.

Planning history

No previous planning history.

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)
- Chapter 12 – Achieving Well-Designed Places

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.



Figure 7. Submitted existing and proposed site and block plan.



Figure 8. Submitted proposed (revised) plans and elevations.

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 allowing residents to extend and develop their homes to provide enlarged or improved living accommodation 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 it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy, and chapter 12 of the NPPF.

Siting, scale, and massing – the part-single / part-two storey extension would be sited at the side and rear of the property, wrapping around its northwest and southwest elevations, replacing the existing single-storey rear extension.

At ground floor level, the extension would project 3.491m rearwards, with a total length / depth of 7.563m (setback 2.7m from the front of the property), a sideward projection of 1.498m, width of 8.016m, mono pitch roof height (to the front and side) of 3.173m and an eaves height of 2.166m. It would be sited along the boundary shared with No.92 Avon Road and would maintain a gap of 0.55m to the boundary shared with No.96 Avon Road.

At first-floor level, the extension would also project 3.491m rearwards, with a total length / depth of 3.8m (setback 6.454m from the front of the property), a sideward projection of 1.498m, width of 8.016m, hipped roof height of 6.375m (set 0.185m below the existing ridge) to the side, hipped roof height of 6.369m (set 0.204m below the existing ridge) to the rear, with eaves to match the existing. It would be sited along the boundary shared with No.92 Avon Road and would maintain a gap of 0.55m to the boundary shared with No.96 Avon Road.

The porch extension would be sited at the front of the property, replacing the existing, creating a new entrance to the property. It would project 1.714m frontwards, with a width of 2.175m, mono pitch roof height of 2.657m and an eaves height of 2.158m. A gap of 0.711m would be maintained to the boundary shared with No.96 Avon Road.

Whilst the siting, scale, and massing of the front porch extension is considered acceptable, the part-single / part-two storey side and rear extension is not as it is believed that this portion of the proposal would have an unduly harmful impact upon the residential amenity of neighbouring occupiers. This is predominantly due to the first-floor element of the rear extension's inappropriate siting and proximity to the boundary shared with No.96 Avon Road, maintaining a minimal gap of 0.55m. It is considered that this, combined with the proposal's lengthy rearward projection at first-floor level, would introduce an overbearing presence into the area, detrimentally affecting the levels of amenity that are currently enjoyed by limiting the visual

outlook, impacting the levels of light and creating a tunnelling effect for those occupying No.96 Avon Road, causing substantial harm to their first-floor rear-facing window, which is the only window to serve one of its bedrooms.

The applicant and their agent were notified of these concerns, however, the submitted revised scheme fails to adequately address these matters. In their email correspondence, the applicant and their agent lobbied to retain the proposed scale and layout of the extension, drawing attention to No.96 Avon Road's part-single / part-two storey rear extension which is also situated in close proximity to the shared boundary.

However, it should be noted that the approved plans of 134721/FH/2022 depict a larger gap to the shared boundary at first-floor level than the proposed, with a 1.295m gap maintained, rather than the proposed 0.55m. As such, it is considered that the aforementioned extension does not represent a comparable example to 139105/FH/2024. Moreover, it is considered that the degree of harm caused to the first-floor rear-facing window of No.96 Avon Road would not be outweighed by the benefits incurred as a result of the scheme in terms of enlarged or improved accommodation at the application site, nor would it be justified by claims of an existing precedent for works of this type.

The proposal is therefore considered to conflict with the principles set out for residential extensions in policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy.

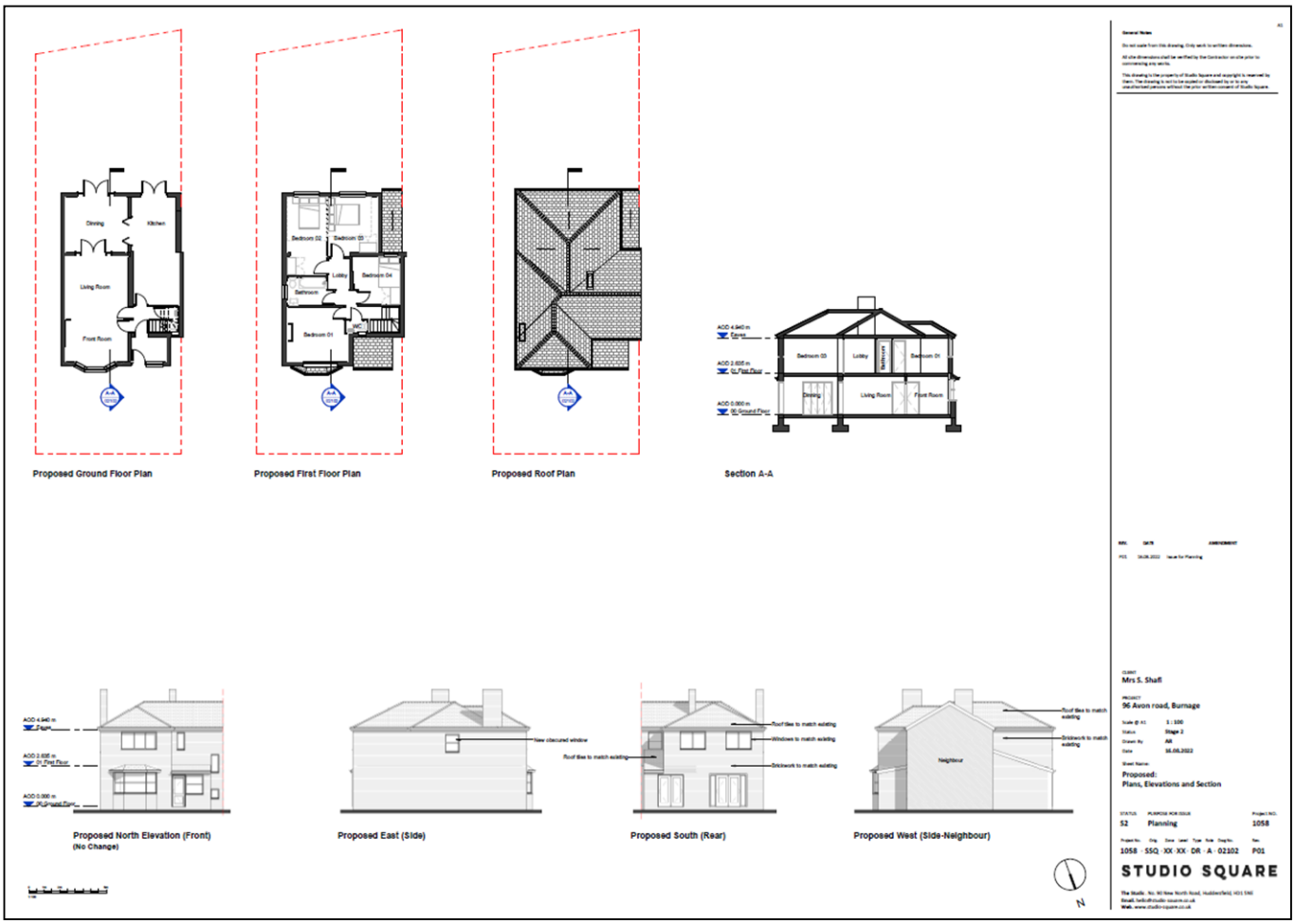


Figure 9. Approved plans and elevations of 134721/FH/2022.



Figure 10. Existing extension at No.96 Avon Road.

Appearance and visual amenity – the submitted application form indicates that the proposal would be built of brickwork, roof tiles and windows to match the existing.

At ground floor level, the part-single / part-two storey side and rear extension would feature one window to the front, one window and a set of bi-folding doors to the rear, and blank side elevations. Its side-facing roof slope would be blank and featureless. At first-floor level, it would feature two windows to the rear, one window to the side (facing No.92 Avon Road), with a blank front elevation and a blank side elevation (facing No.96 Avon Road). Its hipped roof form would also be blank and featureless.

The front porch extension would feature one inward-opening door to the front, a blank side elevation and a blank mono pitch roof form.

Whilst there are elements of the proposal's design which are considered acceptable, such as its use of matching materials, it is considered that its inappropriate design elements would cause unnecessary and undue harm to the appearance and character of the host dwellinghouse as well as the visual amenity of the area overall. This is largely due to the proposal failing to read as a subservient addition to the host dwellinghouse in terms of its dimensions, as the side portion of the extension fails to include an adequate set down from the property's existing roof. Moreover, the submitted proposed side elevation (facing No.92 Avon Road) does not provide an accurate depiction of the proposal and therefore cannot be approved.

The proposal therefore conflicts with policy DC1 of the UDP, policy DM1 of the Core Strategy and chapter 12 of the NPPF.

Residential amenity – due to the excessive mass and bulk of the side and rear extension in combination with its inappropriate siting and proximity to the plot's shared boundaries, it is considered that the proposal would give rise to undue harm to residential amenity, in terms of limiting the visual outlook, impacting the levels of light, and creating a tunnelling effect for those occupying No.96 Avon Road, causing substantial harm to their first-floor rear-facing window, which is the only window to serve one of its bedrooms.

Moreover, the proposed first floor window in the side elevation facing No.92 Avon Road would infringe upon the privacy of neighbouring occupiers to an unacceptable degree. It is considered that this loss of privacy would be unable to be mitigated through an obscure glazing condition as

the proposed windows would be sited along the plot's shared boundary. There would be potential for both actual overlooking and also perceived overlooking by windows located so close to the shared boundary.

The proposal therefore conflicts with policy DC1 of the UDP and policies DM1 and SP1 of the Core Strategy.

Waste storage – the proposal would result in external access to the rear of the property being lost, however sufficient space would be retained along the side of the property to allow for the storage of refuse bins. This is therefore considered acceptable.

Parking – the current parking arrangements would be unaffected by the proposal.

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to its siting, scale, and massing, inappropriate design choices and resultant negative impact upon the visual and residential amenity of neighbouring occupiers, as well as the overall appearance of the host dwellinghouse and surrounding street scene.

Policy DC1 states that the alteration and extension of residential properties may be required to accommodate changing household needs, however this proposal is considered to cause undue harm to the host dwellinghouse, street scene, and the visual and residential amenity of neighbouring occupiers, thus acting against the principles set out in the aforementioned policies, hence the proposal cannot be supported by the City Council.

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 polices 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 have worked with the applicant / agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) The proposal by reason of its excessive scale, massing and bulk and inappropriate design choices would not be visually subservient to the host dwellinghouse, would introduce detrimental visual elements to the street scene and would form a visually incongruous and obtrusive structure which would not be sympathetic to the appearance of the host dwellinghouse or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy and the National Planning Policy Framework.

2) The proposal by reason of its proximity to the plot's shared boundaries, together with its excessive scale, massing and bulk, would have a detrimental effect upon the residential amenity of those occupying the neighbouring properties of No.92 Avon Road and No.96 Avon Road, in terms of overshadowing, loss of light, loss of outlook, and loss of privacy as well as the

creation of a tunnelling effect and the introduction of an overbearing presence into the area. The proposal is therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy, saved policy DC1 of the Unitary Development Plan for the City of Manchester, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

98 Avon Road, Manchester, M19 1JW
92 Avon Road, Manchester, M19 1JW
7 Harrow Avenue, Manchester, M19 1PF
96 Avon Road, Manchester, M19 1JW
9 Harrow Avenue, Manchester, M19 1PF
5 Harrow Avenue, Manchester, M19 1PF
4 Ealing Place, Manchester, M19 1PR

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 Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA