

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138460/FH/2023

Date registered valid: 2 November 2023

Proposal: Erection of single storey rear extension to form additional accommodation; with associated elevational alterations to existing rear extension.

Address: 390 Victoria Avenue East, Manchester, M9 7SS

Ward(s): Charlestown Ward

Applicant: Ms. Suzanne Lowe

Agent (if any): Mr Brian Taylor, Manchester Services for Independent Living - MSIL

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

Recommendation: Approve

Date of recommendation: 20 December 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 November 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 28 November 2023

Expired: 5 December 2023

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 390 Victoria Avenue East within the north Manchester ward of Charlestown. The application site relates to a semi-detached, two storey, red brick dwellinghouse with a veranda style front entrance, brick detailing and railings leading to the front door. Amenity space to the front of the property consists of a paved driveway and amenity space to the rear of the property is characterised by further hardstanding and an existing single storey rear extension.

Description of development

The submitted application seeks planning permission for the erection of single storey rear extension to form additional accommodation; with associated elevational alterations to existing rear extension.

The single storey rear extension would extend the width of the existing extension with an additional 2.3 metres of built form. Cumulatively, the rear extension would have approximate dimensions of Height: 2 x Length: 7.8 x Width: 3.6 metres. The proposal would involve the insertion of a window within the rear elevation and would create a toilet for the disabled occupier.

Associated elevational alterations would occur to the existing rear extension. No planning history exists for the existing single storey rear extension. Although the extension would not be subject to enforcement action due to the time passed since the structure was erected, permitted development rights cannot be used for the re-positioning of the door when the existing extension is not subject to any permission/ consent through permitted development rights. As such, this element of works was included within the description of development and would include the repositioning of the door and bricking up the space as a result of the elevational alteration. This element of works was not originally applied for and was subsequently added to the description of development and neighbours re-notified accordingly.

Materials to be used throughout the proposal would match those within the host property.

Planning History

No planning history can be found for the existing single storey rear extension at the site.

Planning history can be found for the construction of the wider housing development: 051359/FO/NORTH1/97- Vacant land off Victoria Avenue East- Residential development comprising 198no. dwellings with associated roads and footpath diversion. Approved 6 January 1998.

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) and 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).

DC1.5 The council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

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

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant weight in the planning balance.

The following policies are relevant:

- i.JP- S1- Sustainable development
- ii.JP- S2 – Carbon and energy
- iii.JP- S5 – Flood risk and the water environment
- iv.JP- H1 – Scale, distribution and phasing of new housing.

ISSUES

Principle of Development

The submitted development application is for the erection of single storey rear extension to form additional accommodation; with associated elevational alterations to existing rear extension. This is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet the changing residential needs of families, including disabled access needs. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The proposal would have a projection of 2.3 metres and therefore result in a structure with 7.8 metres against the shared boundary with no.392 Victoria Avenue East. However, as existing the neighbouring property is used to a level of built form. Given the current proposal would only increase the built form against the shared boundary by 2.3 metres and the neighbour already benefits from a single storey conservatory, any overbearing implications is considered minimal given the existing circumstances at the site. The neighbour would still benefit from sunlight in the morning and the additional projection is not considered to cause an overly different impact in terms of overshadowing/ loss of light than that already experienced. No privacy implications would occur for this neighbour.

As the additional built form would not extend closer to the shared boundary than is currently the case, it is not considered to create an overbearing feature to no.388 Victoria Avenue East. The insertion of the door within the side elevation of the existing property would not give rise to any adverse privacy implications. A further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent.

A window would be inserted within the rear elevation of the proposal and would look onto the side amenity space of the neighbour to the rear. However, a condition would be placed on any approval granted to obscure glaze the window and as such, no adverse privacy implications would occur as a result of the proposal. This is considered acceptable.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity and would benefit the needs of the disabled residents, pursuant to Policy DC1.5 of the UDP.

Design and Appearance

The proposal would have a projection of 2.3 metres and therefore result in a structure with 7.8 metres. Although this would exceed the maximum projection of Policy DC1.3 of the UDP- 3.65 metres, the Larger Home Extension route allows extensions up to 6 metres in size. Given that the proposal is for a disabled resident and the impact of the proposal is not significantly worse than the existing circumstances on the site from the existing extension, the projection of the proposal in this instance is considered acceptable. The extension would have the same height as the existing proposal and therefore considered acceptable in size and form, pursuant to Policy DC1 of the UDP.

The elevational alterations in connection with the proposal are considered acceptable in size and form, pursuant to Policy DC1 of the UDP.

Materials to be used would match the host property. This is considered acceptable and would be conditioned accordingly within any approval granted.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Car Parking

No change to parking arrangements would occur as a result of the proposal.

Bin Storage

Bin storage arrangements would not be impacted by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area and would increase the quality of life for the disabled resident.

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. Appropriate conditions have been attached to the 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 expiration of three years beginning with the date of this permission.

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:

-Application Form, stamped as received by the City Council as Local Planning Authority on 2 November 2023.

-Drawing- Proposed- Elevations, stamped as received by the City Council as Local Planning Authority on 2 November 2023.

-Drawing- Proposed- Layout Plan, stamped as received by the City Council as Local Planning Authority on 2 November 2023.

-Supporting Information- Notes, stamped as received by the City Council as Local Planning Authority on 2 November 2023.

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) Before first occupation, the bathroom window as shown on the approved 'Drawing- Proposed- Layout Plan, stamped as received by the City Council as Local Planning Authority on 2 November 2023', shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5) 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.

Appendix 1 – List of consultees & neighbours notified

392 Victoria Avenue East, Manchester, M9 7SS
388 Victoria Avenue East, Manchester, M9 7SS
45 Carville Road, Manchester, M9 7FE

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA