

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139153/FH/2024
Date registered valid: 1 February 2024
Proposal: Erection of a single storey side extension to provide additional living accommodation
Address: 100 West Avenue, Moston, Manchester, M40 3NP
Ward(s): Moston Ward

Applicant: Brian and Eileen Carrington
Agent (if any): Mr Thomas Di Felice TD Design and Planning
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 26 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 March 2024

Standard consultations:

Printed: 9 February 2024 Expired: 1 March 2024

Neighbour notifications

Printed: 9 February 2024 Expired: 1 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

Description of site / building / area

The application property is circa 1930's, bay-fronted semi-detached dwellinghouse within a residential area of houses of similar type. There is existing amenity space along the front, side, and rear elevation, including boundary treatment. Off-street parking is along the front driveway and bins are stored along the side access.

There is an existing front porch, (approximately 1228mm deep x 2281mm wide) and a single storey rear extension, (approximately 3557mm deep x 5814mm wide).

The existing side access measures approximately 2.1 metres wide, which leads to an outbuilding along the rear garden and the common shared boundary with no. 63 Bridport Avenue. No. 63 Bridport Avenue also has outbuilding along the rear garden and the common shared boundary which mirrors that of the application site in terms of siting, and broadly footprint.

The existing rear garden is south facing and significantly large, measuring approximately 13.2 metres deep x 8.1 metres wide. Moston Brook, an area of open space runs along the rear boundary.

Site History

- 082172/FH/2007/N1 - Revised application for erection of part single, part two storey rear extension to provide additional living accommodation involving dining area and kitchen with two bedrooms above, APPROVED 04/2007.
- 079775/FH/2006/N1 - Erection of part two, part single storey rear extension, REFUSED 08/2006.

Description of development

The submitted plan relates to a proposed single storey side extension to provide additional living accommodation.

Concerns were expressed to the planning agent in terms of the proposed storage location of wheeled bins as the existing side access would be lost to accommodate the proposed extension, and therefore, further clarification was requested. The planning agent subsequently confirmed acceptance of a bin store condition to be attached to any recommendation for planning approval, (correspondence from agent dated, 22/03/24).

The proposed single storey side extension would be sited along the common shared boundary with no. 63 Bridport Avenue, whilst retaining a small gap of approximately 148mm from this boundary. It would be flush with the front building line of the original house, and would then project approximately 10,255mm along the side boundary, then forward of the side elevation of the existing single storey rear extension whilst maintaining a proposed width of approximately 2127mm. It would incorporate a pitched roof design - maximum proposed height approximately 4081mm; and would include 1no. window along the front elevation, 1no. window along the front roof plane, together with, 1no. window along the rear elevation and 1no. window along the rear roof plane. It is intended to use matching materials.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

2. Environmental Health

Environmental health officers have advised of a pre-commencement condition to be attached to any recommendation for planning approval in relation to a gas membrane.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021):

- Chapter 8: Promoting healthy and safe communities.
- Chapter 12: Achieving well-designed places.

2. 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'.

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.

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 for Residential Extensions is still considered of relevance.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:

- Chapter 2: Design

ISSUES

In this instance, concerns were expressed to the planning agent in terms of the proposed storage location of wheeled bins as the existing side access would be lost to accommodate the proposed extension, and therefore, further clarification was requested. The planning agent subsequently confirmed acceptance of a bin store condition to be attached to any recommendation for planning approval - (correspondence from agent dated, 22/03/24).

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this factor, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (Single storey side extension) - In light of the correspondence from the agent (dated, 22/03/24) and given the existing contextual relationship along common shared side boundary with no. 63 Bridport Avenue, and due to the fact that the rear gardens are south facing, and the proposal would be stepped away from the common boundary, and it would be single storey, and would mirror similar developments along the street scene, it is considered that the proposal could be accommodated in this location in this instance. In addition, the proposed maximum rearward projection at approximately 3557mm is in line with the guidance set out in saved UDP policy DC1.3 (a) regarding rearward extensions. Therefore, for these reasons and on balance, and subject to conditions, the proposed extension is considered to be acceptable in terms of its impact on residential amenity as there are no overbearing, overshadowing or privacy impacts, subject to conditions.

Impact of works (Design and appearance) - The proposed development is considered to be acceptable in design terms as it is intended to match materials with those of the existing building. However, a materials condition has been attached to ensure that materials are adhered to.

Impact of works (Car parking) - Although the existing side access would be lost to accommodate the proposed extension and as a consequence, the number of on-site car parking spaces would be reduced; however, the front driveway would be unaffected, and there are no parking restrictions along West Avenue; or, Bridport Avenue; and therefore, a slight demand for on-street car parking could be accommodated in this location in this instance.

Impact of works (Waste management) - The existing arrangement would be affected by the proposal as the existing side access would be lost to accommodate the proposed extension. Therefore, concerns were expressed to the planning agent in terms of the proposed storage location of wheeled bins. The planning agent subsequently confirmed acceptance of a bin store

condition to be attached to any recommendation for planning approval - (correspondence from agent dated, 22/03/24).

Conclusions - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 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 no comments or objections have been received in response to this application from local residents.

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, concerns were expressed to the planning agent in terms of the proposed storage location of wheeled bins as the existing side access would be lost to accommodate the proposed extension, and therefore further clarification was requested. The planning agent subsequently confirmed acceptance of a bin store condition to be attached to any recommendation for planning approval. The local planning authority had no other issues to raise with the agent but has attached appropriate conditions to the approval.

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:

- Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 01 February 2024.
- Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 01 February 2024.
- Proposed Plans and Elevations, DWG REF: 100WES_PRO3, received by the City Council as the Local Planning Authority on 01 February 2024.
- Proposed Site/Block Plan, DWG REF: 100WES_BLOCK, received by the City Council as the Local Planning Authority on 01 February 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1 and DM1 of the Core Strategy (2012).

3) The external facing materials to be used on the development hereby permitted shall match those of the existing building in terms of type, colour, texture, scale, pointing and coursing and as stated on the submitted information and approved drawings.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

4) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

5) Before any above ground works of the development hereby approved, finalised details of storage arrangements for refuse, including elevational details of screening/enclosure of a bin storage area, shall be submitted to, and approved in writing by the City Council as local planning authority. Prior to the extension first being occupied the bin storage area shall be implemented in accordance with the approved scheme and shall thereafter be so maintained.

Reason - In the interests of residential and visual amenity, pursuant with email correspondence from agent dated, 22/03/24; saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies EN19, DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

6) 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 windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on: Proposed Plans and Elevations, DWG REF: 100WES_PRO3, received by the City Council as the Local Planning Authority on 01 February 2024.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

98 West Avenue, Moston, Manchester, M40 3NP
75 West Avenue, Moston, Manchester, M40 3WW
52 Bridport Avenue, Manchester, M40 3NQ
63 Bridport Avenue, Manchester, M40 3WP

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 -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA