

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139047/FH/2024

Date registered valid: 23 January 2024

Proposal: Erection of single storey rear extension together with a single storey outbuilding to the rear for ancillary use, and retention of paving to front amenity space

Address: 23 Borland Avenue, Manchester, M40 3LZ

Ward(s): Moston Ward

Applicant: Mr Shahid Rafiq

Agent (if any): Mr Subhan Saleem Saleem Architects

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

Recommendation: Approve

Date of recommendation: 18 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 1 February 2024

Standard consultations:

Printed: 21 February 2024 Expired: 13 March 2024

Neighbour notifications

Printed: 21 February 2024 Expired: 28 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: No

Tree Preservation Order: No

Description of area

The application site relates to 23 Borland Avenue within the north Manchester ward of Moston. The application site relates to a semi-detached, two storey, red brick dwellinghouse facing onto the green of Borland Avenue. At the time of the site visit, the front amenity space consisted of paving, which had been recently completed. Amenity space to the rear of the property consisted of an expansive garden measuring 208 square metres.

The surrounding area is residential in nature with the A Broadway Road sitting to the east of the applicant site.

Description of development

The submitted application seeks planning permission for the erection of single storey rear extension together with a single storey outbuilding to the rear for ancillary use, and retention of paving to front amenity space.

The single storey rear extension would extend the width of the host property and have approximate dimensions of Height: 2.8 x Length: 4.2 x Width: 6.8 metres. The rear extension

would involve the insertion of two windows within the rear elevation and a window within the side elevation. The rear extension would have a flat roof.

The proposed outbuilding would create a W/C and two games/storage rooms for ancillary use. The outbuilding would have approximate dimensions of Height: 2.5 x Length: 9.9 x Width: 5 metres. The outbuilding would have a flat roof and involve the insertion of two windows and a door within the front elevation.

Materials to be used within the extension and outbuilding would include:

- brickwork to match existing
- PVC windows and doors to match existing
- flat roof system.

The retention of paving to the front amenity space involves paving the existing amenity space in non-porous paving.

Amended Plans

Plans have been amended from those originally received. The proposal now includes the retention of the paving of the front amenity space as seen during the site visit and picked up from neighbour objections. Neighbours were re-notified accordingly and Highway Services were consulted on the application.

Planning History

No planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted and two responses were received. The first response from the original consultation raised concerns with an additional piece of development not originally applied for through the current application. This relates to the paving of the applicant's front amenity space and the paving of the communal path between the two properties resulting in a so-called 'land grab'. The resident confirmed this had been raised previously to the LPA's Enforcement Team, as the complainant believed planning permission was required for the piece of work. The objection discussed a civil matter relating to the disruption of use of the historic shared path at the front of the property.

Following the addition of the paving of the front amenity space to the description of development, neighbours were consulted accordingly. A further response was received from the neighbour raising concerns in relation to noise and pollution from the proposed use of the ancillary outbuilding.

Highway Services

Highway Services were consulted on the application and provided the following response: The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

PARKING AND ACCESS:

It appears that an informal driveway is being created therefore dropped kerbs will be required.

Dropped kerbs will need to be provided for the driveway accesses off Borland Avenue to accommodate the parking space.

The new access off Borland Avenue with dropped kerbs will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

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).

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

ISSUES

Principle of Development

The submitted development application is for the erection of single storey rear extension together with a single storey outbuilding to the rear for ancillary use, and retention of paving to front amenity space. 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

Single storey rear extension:

The single storey rear extension would sit against the shared boundary with no.21 Borland Avenue, however due to the splayed nature of the boundary, the extension would sit slightly away from the shared boundary close to the rear building line of the proposal. The proposal would have a projection of 4.2 metres and be of a single storey. Given this and that the proposal would have a flat roof, the proposal is not considered to create an overbearing feature to the neighbouring property. Since both the neighbouring and applicant properties benefit from south facing gardens, the proposal is not considered to give rise to harm in terms of loss of light or overshadowing. Due to the placement of windows, no adverse implications would occur to no.21 Borland Avenue in relation to adverse privacy implications.

The rear extension would extend the width of the host property and as such, a 3 metre distance would be retained between the side elevation of the proposal and the shared boundary with no.25 Borland Avenue. As such, the proposal is not considered to give rise to an overbearing feature and due to the orientation of the gardens, no adverse impacts in relation to the sun path would occur as a result of the proposal. A top opening obscure glazed window would be inserted within the side elevation of the extension relating to a bathroom. Given the window is conditioned in this way and given the 3 metre gap between the proposal and shared boundary, the window in this location is considered acceptable. Further, if the proposal was obtained

through the route of Permitted Development, the LPA could not control the placement of windows nor ensuring bathroom windows have further restrictions. A further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent.

The three storey building of the Acacia Lodge Care Home looks onto the rear amenity space of the applicant site. The rear extension is not considered to alter the existing arrangements in terms of privacy implications from existing.

Single storey outbuilding:

The outbuilding would be sited to the rear of the back garden and face onto the host property. The surrounding neighbours would not be affected in terms of loss of light or overshadowing. The insertion of the two windows facing onto the rear amenity space is not considered to give rise to any different overlooking opportunities than is currently the case at the applicant site in relation to the neighbouring properties.

Following the addition of the paving of the front amenity space to the description of development, neighbours were consulted accordingly. A further response was received from the neighbour raising concerns in relation to noise and pollution from the proposed use of the ancillary outbuilding. Given the proposed use of the outbuilding is for a games room/storage any opportunities for noise/ disruption would be considered minimal. Further, the use of the outbuilding would be ancillary to the use of the main dwellinghouse. This is considered acceptable to ensure no adverse implications occur in terms of over-intensification of the site and a condition to this effect would be attached to any approval granted.

Retention of paving to front amenity space:

A neighbour response received during the application raised concerns with an additional piece of development not originally applied for through the current application. This relates to the paving of the applicant's front amenity space and the paving of the communal path between the two properties. The work had been raised to the LPA's Enforcement Team, as the complainant believed planning permission was required for the piece of work. The objection discussed a civil matter relating to the disruption of use of the historic shared path at the front of the property. The proposal now includes the retention of the paving of the front amenity space as seen during the site visit and picked up from neighbour objections. Neighbours were re-notified accordingly.

The paving of the front amenity space is not considered to give rise to adverse visual/residential amenity implications from a planning perspective. The use of the front amenity space as off street parking would reduce the pressure of the surrounding on street parking. However, the LPA is aware the paving of the driveway has resulted in the loss of the communal shared path which is considered a civil issue. An informative would be placed on any approval granted suggesting the applicant engages in civil discussions to overcome the land access issues at the site.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

Single storey rear extension:

The rear extension would have a projection of 4.2 metres. Whilst the ground floor would exceed Policy DC1.3 of the UDP, Permitted Development rights including the Larger Homes Extension Route allow extensions larger in length. Given the spacious nature of the rear amenity space and flat roof proposed, the projection is considered acceptable in this instance.

Single storey outbuilding:

The outbuilding is not considered excessively large or bulky and is considered appropriate in form, pursuant to Policy DC1 of the UDP. It is noted a similar outbuilding could be erected through the route of Permitted Development, including an outbuilding much larger in size.

Materials:

Materials to be used for the rear extension and outbuilding have been listed previously in the report and are considered acceptable. A materials condition to this effect would be attached to any approval granted.

Retention of paving to front amenity space:

During the course of the application, it came to light the existing work to the front amenity space of the property required consent given the driveway was made of non-porous materials. The LPA always advises homeowners to use permeable materials. However, in this instance given the gap of greenery retained at the site (see photo below), given the property sits within Flood Zone 1 and given an informative requesting the applicant designs a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance, the development does not warrant a refusal on the scheme.



Figure 1, Front paving to be retained.

Further, Highway Services were consulted on the application. Highway Services requested the new access off Borland Avenue with dropped kerbs will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense. This will be added as an informative on any approval granted and it is envisaged that through this process a suitable drainage system can be incorporated into the paving, whilst improving the dropped kerbs than those currently sited at the site.

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.

Bin Storage

Bin store arrangements would not alter as a result of 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.

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 and additional information has been supplied through the course of the application for review. 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 18 January 2024.

-Drawing- Proposed- Plans, numbered Sheet 4, stamped as received by the City Council as Local Planning Authority on 18 January 2024.

-Drawing- Proposed- Elevations, numbered Sheet 5, stamped as received by the City Council as Local Planning Authority on 18 January 2024.

-Drawing- Proposed- Outbuilding Elevations, numbered Sheet 6, stamped as received by the City Council as Local Planning Authority on 18 January 2024.

-Drawing- Site Plan- Existing & Proposed Site Plan, numbered Sheet 7 Rev 2, stamped as received by the City Council as Local Planning Authority on 12 February 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) Before first occupation, the bathroom window within the approved rear extension as shown on the approved 'Drawing- Proposed- Plans, numbered Sheet 4', stamped as received by the City Council as Local Planning Authority on 18 January 2024, 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.

In addition, the window shall be top opening only 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 to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and within the 'Drawing- Proposed- Elevations, numbered Sheet 5' and 'Drawing- Proposed- Outbuilding Elevations, numbered Sheet 6', specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

6) The detached outbuilding hereby approved shall only be used as ancillary accommodation in connection with the existing residential property 23 Borland Avenue and for no other purpose.

Reason - In the interests of visual and residential amenity, pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

Informatives

1) The new access off Borland Avenue with dropped kerbs will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

2) The applicant is advised to enter into civil discussions to overcome the issues arising in relation to the paving of the shared path with no.21 Borland Avenue within the front amenity space of the applicant property.

3) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy, in relation to the front amenity space.

Appendix 1 – List of consultees & neighbours notified

Highway Services

25 Borland Avenue, Manchester, M40 3LZ

Acacia Lodge Care Home, 90A Broadway, Manchester, M40 3WQ

21 Borland Avenue, Manchester, M40 3LZ

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA