

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139821/FH/2024
Date registered valid: 2 May 2024
Proposal: Erection of single storey side extension and front porch.
Address: 1 Minorca Avenue, Manchester, M11 4RZ
Ward(s): Clayton & Openshaw Ward

Applicant: Mr Vincent Israel
Agent (if any): Dr Kanadi Jagafa, Mason and Marlowe Ltd
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25 June 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 29 May 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 May 2024 Expired: 7 June 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

This application relates to a ground floor bay fronted, hip roof, end-of-terrace dwellinghouse within a short row of four properties along a short cul-de-sac situated close to the junction of Minorca Avenue and its junction with Stanton Street. Seymour Road South runs to the east, North Road to the north and Viola Street to west of the site.

The application site is broadly triangular shaped with existing amenity space along the front, side, and rear including boundary treatment along the perimeter, whilst incorporating a gated access along the side elevation. There is an existing timber frame outbuilding along the significant footprint of the rear garden, partly hard surfaced driveway along the side, and bins are stored within curtilage behind boundary treatment. The surrounding area is characterised by a mix of residential, church uses and parkland on the east side of Seymour Road South.

Description of development

Consent is sought for a single storey side extension and front porch.

The proposed single storey side extension would be sited along the side elevation of the original dwellinghouse and side garden. It would be set back approximately 296mm from the front building line of the primary dwellinghouse whilst maintaining a proposed width of approximately 3359mm along the front elevation. It would then project approximately 4932mm in a straight line along the side garden, whilst maintaining a minimum distance of approximately 703mm from the common shared boundary with no. 147 Stanton Street. It then comes forward of the side elevation of the host building, approximately 1552mm wide, and then projects approximately 1665mm in a straight line along the side garden, whilst maintaining a minimum distance of approximately 701mm from the common shared boundary with no. 147 Stanton Street, and then comes forward of the side elevation of the host building, approximately 1862mm wide, whilst being flush with the rear building line. It would comprise of a lean-to pitched roof with a maximum proposed roof height at approximately 4158mm, together with 1no. window along the front elevation and 1no. window along the rear elevation.

In terms of the proposed front porch element, it would be placed in front of the existing front door and would be sited along the common shared boundary with no. 3 Minorca Avenue, whilst maintaining a maximum distance of approximately 472mm from the existing bay window of the host building and would measure approximately (1200mm deep x 2000mm wide x 2999mm maximum height). It would incorporate a pitch roof design and would include 1no. door and 1no. window along the front elevation, together with 1no. window along the side elevation (facing the existing bay window).

It is intended to use materials matching the existing dwellinghouse for the proposed works.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objections, comments, or representations was received from one local resident:

The grounds of their objection are set out below and they wish to highlight several areas of concern. They object to the porch being built; however, the side extension is okay as long as, a structural engineer checks and confirms it is acceptable and not cause subsidence currently affecting their property; the porch does not come past the front wall of their home to impact on their light, and no business use will take place.

The several areas of concern are detailed below:

1. They object to the front porch as it would impact significantly on the light in the front room. There is a bay window, and a porch next door would reduce the amount of light to their front room even more. They already have issues with lack of light, and damp problems to their front room.
2. They are currently having investigations in relation to subsidence to their property and awaiting an engineer's report and are therefore concerned about any digging affecting the stability of their home as they already have cracks in their home and ginnel adjacent, which are getting wider. Some of the cracks have been filled in, however, in the kitchen, the previous damp proofing and replastering done, the cracks have reappeared. Their doors need to be readjusted more regularly and door frames have slanted; of which the engineer has advised that is one of the signs of subsidence.
3. There is a shared canopy over the front doors and are therefore concerned how the proposed porch would affect it.

4. There is no communication with the applicants.
5. In terms of the single storey side extension, on principle they have no reason to object as long as it is for living and not a garage for commercial car repairs and the proposed site is fully investigated for subsidence.
6. They are concerned that by the granting of planning permission, the applicant will be working on more cars.
7. Concerns have been expressed about the use of power tools in an existing structure along the rear garden and the resultant noise during all hours having a negative impact on their life. It is advised that the noise nuisance can start before 7 and go on up till 9.30 at various times over 7 days a week, combined with the applicant working on multiple cars on the front drive.
8. Due to the ongoing issues with the applicant, they are unwilling to give permission for anyone coming onto their property or garden to complete any proposed work on the porch.
9. They are also concerned about the various cars driving over the grass where there is a manhole cover, however whilst they are unsure if this serves water or sewage, they are worried the pipes may crack and leak over time.

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 12: Achieving well-designed places.

2. Places for Everyone (2024) -

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. The plan was adopted by the Council on 20 March 2024 and will come into effect from 21 March 2024. The plan sets out the kind of development that takes place across the city-region. It maximises the use of brownfield land and urban spaces; protects green belt land from the risk of unplanned development; releases some sites for housing and employment in key locations; ensures we integrate all new developments into Greater Manchester's transport network. Otherwise, new roads and transport will support them. The Plan and its policies are now a material planning consideration in the determination of planning applications, and 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

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 existing contextual relationship along the street scene, with the application site occupying a prominent corner plot position along Minorca Avenue and its junction with Stanton Street, the proposed development would still retain a significant separation distance from the immediate primary highway (Stanton Street), and due to the fact that the application site benefits from a sizable side garden, and the proposed extension would maintain a minimum distance of approximately 701mm and 703mm from the common shared side boundary with no. 147 Stanton Street, and given the orientation of the two properties being sited at broadly obtuse angles, and the fact that the proposed fenestration would be located along the front and rear elevations, it is considered that the proposed development would not present a significant adverse impact to residential amenity, nor is it considered that the proposed scale along the street scene would be significantly intrusive; or would it be unduly overbearing, overshadowing, nor would it present any loss of privacy impacts. Therefore, subject to planning conditions, it is considered that this element of the proposal responds positively to The National Planning Policy Framework; Core Strategy policies SP1, DM1, and saved policy DC1 of the Unitary Development Plan. It is therefore recommended that additional conditions are attached to any recommendation for planning approval, in relation to restricting any further window and door openings, and the continued use to remain as Class C3 only, in the interest of residential amenity.

Impact of works (front porch) - The proposed porch would measure approximately (1200mm deep x 2000mm wide x 2999mm maximum height), which conforms to the limitations of Householder General Permitted Development Rights, and therefore, the porch would not have required the submission of a formal planning application.

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; pursuant with The Manchester Core Strategy Development Plan Document Policies SP1 and DM1 and saved Policies DC1 of the Unitary Development Plan.

Impact of works (Car parking) - The existing arrangement would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Impact of works (Waste management) - The existing arrangement would be unaffected, the; pursuant with The Manchester Core Strategy Development Plan Document policy DM1, EN19; and saved policy DC1 of the Unitary Development Plan.

Objectors' comments - In terms of planning comments raised by the objector, these have been duly considered in the issues section above. Comments relating to civil matters, trespassing, shared ownership matters, boundary disputes, party wall issues and issues regulated by building control legislation would fall outside of planning legislation and therefore cannot be considered as part of this planning application.

Conclusion - 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) chapter 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).

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, the local planning authority had no 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 19 April 2024.
- Design and Access Statement, received by the City Council as the Local Planning Authority on 19 April 2024.
- Supporting Information / Flood Map, received by the City Council as the Local Planning Authority on 19 April 2024.

- Location Plan and Proposed Site Plan, received by the City Council as the Local Planning Authority on 19 April 2024.
- Existing and Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 19 April 2024.
- Proposed Elevations, received by the City Council as the Local Planning Authority on 02 May 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 approved shall match those of the existing dwellinghouse 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) 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: Existing and Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 19 April 2024; and Proposed Elevations, received by the City Council as the Local Planning Authority on 02 May 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).

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

168 Stanton Street, Manchester, M11 4RT
172 Stanton Street, Manchester, M11 4RT
3 Minorca Avenue, Manchester, M11 4RZ
2 Minorca Avenue, Manchester, M11 4RZ
149 Stanton Street, Manchester, M11 4RW
147 Stanton Street, Manchester, M11 4RW
166 Stanton Street, Manchester, M11 4RT
164 Stanton Street, Manchester, M11 4RT
162 Stanton Street, Manchester, M11 4RT
4 Minorca Avenue, Manchester, M11 4RZ
170 Stanton Street, Manchester, M11 4RT

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
Area Team Boundary - Name: NORTH AREA