

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140149/FH/2024

Date registered valid: 30 May 2024

Proposal: Erection of part single/part two storey rear extension to form additional living accommodation.

Address: 52 Elizabeth Street, Manchester, M8 8BQ

Ward(s): Cheetham Ward

Applicant: Mr A W Khan

Agent (if any): Mr D King NK Architectural

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

Recommendation: Refuse

Date of recommendation: **23 July 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 17 June 2024

Standard consultations:

Printed: 10 June 2024 Expired: 1 July 2024

Neighbour notifications

Printed: 10 June 2024 Expired: 1 July 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 52 Elizabeth Street within the north Manchester ward of Cheetham. The application site relates to a three storey, mid terraced, new build dwellinghouse (see planning reference: 072644/FO/2004/N1) constructed of red brick with a small white timber gable and white fenestration with canopy to the front entrance. The property is located on Elizabeth Street and amenity space to the front is constrained consisting of a small patio area and to the rear the amenity space consists of a small garden with a slight change in topography.

The area is primarily residential in nature with the Cheetham Hill Retail Park 'The Fort' sited to the east of the applicant site.

Description of development

The submitted application seeks planning permission for the erection of part single/part two storey rear extension to form additional living accommodation.

The part single storey rear extension would be set slightly off the shared boundaries with no.50 and no.54 Elizabeth Street and would have approximate dimensions of Height: 2.6 x Length: 4 x Width: 4.7 metres and would have a flat roof formation. The part two storey extension would be

set slightly away from the boundary with no.54 Elizabeth Street and approximately 1.2 metres from the shared boundary with no.50 Elizabeth Street. The part two storey rear extension would have approximate dimensions of Height: 6.3 x Length: 3.025 x Width: 3.5 metres with a hipped roof.

The proposal would involve the insertion of patio doors and windows within the rear elevation of the ground floor and a window within the first floor of the rear elevation.

Materials to be used throughout the proposal would include:

- facing red brick (to match existing)
- roof tiles (to match existing)
- uPVC bi-folding doors
- white uPVC doors
- flat GRP roof system for single storey element with anthracite top coat finish.

The first floor rear window would be re-located as a result of the proposal and would be sited closer to the shared boundary with no. 50 Elizabeth Street. Permitted Development rights have not been removed during the construction of the property and as such, the elevational alterations could be done through the route of Permitted Development.

Negotiations during the course of the Application

An email was sent to the agent on 21/6/2024 advising that the LPA had concerns with the application and the scheme would need to be amended to overcome concerns raised. No response/ revised plans were received from the agent.

Planning History

No planning history can be found for no.52 Elizabeth Street; however history can be found for the development of the site.

This includes 072644/FO/2004/N1-Residential development of 127 dwellings with associated access, car parking and landscaping.

Approved 11 February 2005.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Environmental Health

Environmental Health were consulted and responded to confirm they had no comments to make on the application.

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 (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

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 full weight in the planning balance.

The following policies are relevant:

JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted application seeks planning permission for the erection of part single/part two storey rear extension to form additional living accommodation. The principle of development is not acceptable, as the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity and design and appearance. An email was sent to the agent on 21/6/2024 advising that the LPA had concerns with the application and the scheme would need to be amended to overcome concerns raised. No response/ revised plans were received from the agent and as such, the application is assessed within this report.

Visual/Residential Amenity

Whilst the part single storey rear extension is considered acceptable in terms of amenity implications, the LPA has concerns regarding the first floor extension and the impact to the adjoining properties. The applicant property relates to a mid-terraced dwellinghouse and sits in a row of three three-storey dwellinghouses. The part two storey extension would be set slightly away from the boundary with no.54 Elizabeth Street and approximately 1.2 metres from the shared boundary with no.50 Elizabeth Street. The part two storey extension would have a projection of 3.025 metres and an approximate 5.2 metres would remain between the rear building line at first floor level and the rear boundary of the site.

The properties along this stretch of Elizabeth Street have south facing gardens. Whilst this means the applicant and adjoining neighbouring properties benefit from sunlight for most of the day, the proposal would result in loss of light/ overshadowing to the adjoining properties. No.54 Elizabeth Street would be impacted by loss of light in the evening, which would be exaggerated by the built form being sited close to the shared boundary. No.50 Elizabeth Street would be impacted by loss of light/ overshadowing in the morning. Whilst it is recognised that the neighbour's first floor windows would be sited away from the shared boundaries due to the existing layout of window formation along the rear elevation of the terrace, the adverse impact in terms of loss of light/overshadowing would be primarily felt by the neighbour's rear patios and rear amenity spaces. This is further exaggerated by the constrained rear amenity spaces afforded to the properties and the approximate 5.2 metre gap between the proposed structure and rear boundary line. As such, the proposal is considered to adversely harm the neighbour's enjoyment of this space that they could reasonably expect to enjoy, contrary to policy DC1.1, DC1.2 of the UDP, Core Strategy policies DM1 and SP1, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester SPD and the National Planning Policy Framework.

In turn, the proposal is considered to cause an overbearing feature to the adjoining neighbours due to the 3.025 metres projection and given only 5.2 metres of built form would be left between the rear building line of the proposal and the rear boundary of the site. This is also exaggerated by the change of topography experienced by the row of terraced properties with the rear of the garden sitting at a slightly elevated position than the rear of the house. As such, the proposal is considered to create a visually intrusive feature at height and would adversely impact the enjoyment of the neighbouring properties, contrary to policy DC1.1, DC1.2 of the UDP, Core Strategy policies DM1 and SP1, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester SPD and the National Planning Policy Framework.

Design and Appearance

At ground floor level, the proposal has a projection of 4 metres and has a flat roof. This element, taken in isolation does not raise concern to the LPA. The LPA accepts the materials chosen for the site. Whilst the form of the extension- with a flat roof at ground floor and hipped roof at first floor could appear incongruous in context to the existing three storey terrace, this is considered to be a design preference and does not give rise to concern in relation to appearance.

However, at first floor level, the extension would have a projection of 3.025 metres. Due to the staggered projection and ground floor projection, a similar extension could not be achieved through Permitted Development and as such, there is no PD fallback to consider. It is acknowledged that the extension would comply with the LPA policy DC1.3 of the UDP in terms of maximum projection and does not extend the width of the whole property, in line with policy DC1.3 of the UDP. However, given the adverse impacts to the neighbouring properties in terms of light implications and creating an overbearing feature, the form and projection is considered overly large for the constrained rear amenity space. As such, the first floor element cannot be supported by the LPA and is considered contrary to policy DC1.2 of the UDP, Core Strategy

policies DM1 and SP1, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester SPD and the National Planning Policy Framework.

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: Refuse

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, but no revised scheme was presented nor direction offered from the agent in how the applicant wished to proceed.

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

1)The proposed part two storey rear extension, by reason of its projection, scale, height and massing, in close proximity to the common boundary with the adjoining properties, no.50 and no.54 Elizabeth Street, would give rise to an overbearing and overly dominant feature to the two properties. Further, the rear extension at first floor level would give rise to undue overshadowing and loss of light to both adjoining neighbours, to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary

Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone, the Guide to Development in Manchester SPD and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

25 Larch Gardens, Manchester, M8 8BJ
50 Elizabeth Street, Manchester, M8 8BQ
54 Elizabeth Street, Manchester, M8 8BQ

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA