

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139005/FH/2024

Date registered valid: 15 January 2024

Proposal: Erection of ground and lower ground floor rear extension to form additional living accommodation with associated external steps and decking, following excavation of rear garden

Address: 492 Victoria Avenue, Manchester, M9 0PL

Ward(s): Higher Blackley Ward

Applicant: Mr Shakeel Ahmed Kayani

Agent (if any): Mr Muthahar Khan, Studio Tashkeel Architecture

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

Recommendation: Approve

Date of recommendation: 7 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 24 January 2024

Standard consultations:

Printed: 16 January 2024 Expired: 6 February 2024

Neighbour notifications

Printed: 16 January 2024 Expired: 6 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 492 Victoria Avenue within the Higher Blackley ward of north Manchester. The application site relates to a semi-detached, two storey, brick dwellinghouse. Amenity space to the front of the property consists of driveway bounded by high composite boundary treatment and a garage to the side of the property. Amenity space to the rear of the property consists of a grassed garden. Due to the change in topography, the rear of the property benefits from a lower ground floor level, however as existing the lower ground floor is used for storage purposes only.

Description of development

The submitted application seeks planning permission for the erection of ground and lower ground floor rear extension to form additional living accommodation with associated external steps and decking, following excavation of rear garden.

As part of the development, the existing lower ground floor level used as storage would be utilised as habitable space. The extension would have approximate dimensions of Height: 5.8 x Length: 3 x Width: 5.8 metres, and from the rear garden read as a two storey extension. The proposal would involve the insertion of a set of bi-fold sliding windows and bi-fold sliding doors

within the rear elevation, a top opening window within the side elevation and a roof lantern within the proposed parapet flat roof.

A further window would be inserted within the side elevation of the existing lower ground within the host property. As this element could be achieved through the route of Permitted Development, this element of works would not be included within the description of development.

Materials to be used would include:

- bi-folding sliding doors and windows
- stack band brick window detailing
- red brick (to match existing)
- parapet coping stone for flat roof
- roof lantern.

During the course of the application, the additional external steps and decking and the excavation of the existing garden was added to the description of development for completeness.

Planning History

No planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Environmental Health

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

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.

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.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted development application is for the erection of ground and lower ground floor rear extension to form additional living accommodation with associated external steps and decking, following excavation of rear garden. 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. 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.

Residential/Visual Amenity

The proposal would have a projection of 3 metres and be sited close to the common boundary with no.494 Victoria Avenue. The properties along this stretch of Victoria Avenue benefit from a change in topography- whilst the front of properties read as two storey dwellinghouses, the rear read as three storeys with a lower ground level. As such, the adjoining neighbour would only feel the impact at first floor level (effectively the ground level). Given the neighbour would only feel one additional storey from their rear windows, the 3 metre extension is therefore not considered to create an overbearing feature. Any loss of light would be considered minimal and no adverse privacy implications would occur for this neighbour. When standing within the neighbour's gardens, the neighbours would read the proposal as two storey in height. Given the extension is 3 metres against the boundary it is not considered to adversely impact the enjoyment of the neighbour's rear amenity space.

The proposed built form would not come forwards of the existing side elevation of the host property in relation to the other immediate neighbour no.490 Victoria Avenue. The proposal would be sited approximately 2.6 metres from the shared boundary with additional external steps running to the lower ground level. Due to the change in topography, the proposal would not give rise to an overbearing feature and due to the orientation of the properties within the streetscene, no adverse loss of light/ overshadowing would occur as a result of the proposal. Whilst a window would be inserted within the ground floor within the side elevation facing no.490 Victoria Avenue, the window would be conditioned within any approval granted as being top opening and obscure glazed only, to not give rise to any adverse overlooking implications. In addition, a condition would be attached to any approval granted restricting the insertion of further windows or doors approved beyond this consent.

A small decking area would be created as a result of the additional steps, this is not considered to give rise to any overlooking opportunities to no.490 Victoria Avenue given the area would be at lower ground level and would involve the excavation of the rear garden.

Given the approximate 12 metre distance between the rear elevation of the proposal and the rear boundary line of the site, the properties to the rear along Melverley Road would not be adversely affected by the proposal.

Due to the reasons stated above, there are no significant impacts associated in terms of residential or visual amenity.

Design and Appearance

The proposal would have a projection of 3 metres and therefore be considered pursuant with Policy DC1.3 of the UDP.

Policy DC1.3 of the UDP states 'notwithstanding the generality of the above policies, the Council will not normally approve b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway'. In this instance the proposal although two storeys in height, would be a lower ground and ground floor extension and the flat roof proposed would not key into the roof of the host property. From the adjoining neighbour's rear windows, the proposal would read as a single storey rear extension with a flat roof which is considered

appropriate. As such, in this instance the form of the flat roof is considered appropriate and is therefore considered a suitable roof type for this development.

Materials to be used have been listed in the report previously and are considered acceptable. The red brick detailing around the proposed rear windows/doors are considered to add interest to the proposal and is therefore considered to offer a good design quality to the proposal. Materials listed would be conditioned accordingly within any approval granted.

Front Boundary Treatment

During the course of the application, it came to light the front boundary treatment may have needed planning consent and was built within the last 4 years. The front boundary treatment has not been added to this application as no details are shown on the submission and an informative to advise the applicant to apply for consent separately would be attached to any approval granted.

Car Parking

Car parking would be unaffected by the proposal.

Bin Storage

Bin store arrangements would not be impacted 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. Given the particular circumstances of the host property and the change of topography within the rear garden, the use of a flat roof is not considered so severe to warrant a refusal on the scheme.

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 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 15 January 2024.

-Drawing- Proposed- Floor Plan, numbered PL-004, stamped as received by the City Council as Local Planning Authority on 15 January 2024.

-Drawing- Proposed- Elevation, numbered PL-005, stamped as received by the City Council as Local Planning Authority on 15 January 2024.

-Drawing- Existing & Proposed- Sections, numbered PL-006, stamped as received by the City Council as Local Planning Authority on 15 January 2024.

-Drawing- Location Plan- Location/ Site Plan, numbered PL-001, stamped as received by the City Council as Local Planning Authority on 15 January 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 ground floor living room window as shown on the approved 'Drawing- Proposed- Floor Plan, numbered PL-004', stamped as received by the City Council as Local Planning Authority on 15 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 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 'Drawing- Proposed- Elevation, numbered PL-005', 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.

Informatives

- 1) This decision notice does not give planning consent to the front boundary treatment at the site which may be unlawful due to its height. This element of works should be reviewed and if planning consent is required, applied for separately.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

494 Victoria Avenue, Blackley, Manchester, M9 0PL
488 Victoria Avenue, Blackley, Manchester, M9 0PL
8 Meverley Road, Manchester, M9 0PG
490 Victoria Avenue, Blackley, Manchester, M9 0PL
12 Meverley Road, Manchester, M9 0PG
10 Meverley Road, Manchester, M9 0PG
6 Meverley Road, Manchester, M9 0PG
4 Meverley Road, Manchester, M9 0PG

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA