

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139438/FH/2024

Date registered valid: 5 March 2024

Proposal: Erection of single-storey extension to the rear to form additional living accommodation

Address: 1 Farrant Road, Manchester, M12 4PD

Ward(s): Longsight Ward

Applicant: Ms Anisa Ayub Umarji

Agent (if any): Mr Sakib Ahmed, CGI Works

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 April 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 March 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 13 March 2024 Expired: 5 April 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 site is along residential street close to the south-west junction of Farrant Road and Rushford Street. The application property is a semi-detached house comprising red brick elevations with hipped roof and original single storey lean-to rear outrigger - approximately 1045mm deep x 2792mm wide.

The front elevation comprises of a two storey box bay windows and adjoining lean-to porch extension. There is existing amenity space along the front, side and rear, with off street car parking along a fully hard surfaced front driveway providing separation from the western boundary with houses fronting Rushford Street.

No. 11 Rushford Street has existing rear extensions, thereby, the existing minimum separation distance between those immediate dwellinghouses along the side boundary; specifically, no. 11 and no. 9 Rushford Street is approximately 5.2 metres, and the existing separation distance from the immediate property behind the rear boundary; specifically, no. 26 Parry Road is approximately 13.5 metres, and thereby, as a consequence, there is a pre-existing privacy distance issue along the side and rear boundaries.

Site History:

- No record.
- No pre-application advice was sought from the local planning authority in relation to this application.

Description of development

The submitted plan relates to a proposed single storey rear extension to form additional living accommodation to serve as a dining room.

Following demolition of the existing single storey lean-to rear outrigger, the proposed single storey rear extension would be sited along the common shared boundary with no.3 Farrant Road. It would project from the rear building line of the original dwellinghouse and along this boundary approximately 4000mm deep, then come forward of the common shared boundary with no. 11 and no. 9 Rushford Street approximately 3527mm wide, whilst retaining a separation distance of approximately between 8.6 metres - 12.4 metres from these dwellinghouses, then return forward of the rear building line of the original dwellinghouse. It would maintain a very shallow lean-to pitched roof design - with a maximum proposed roof height at approximately 2645mm and would include bi-fold doors along the significant side elevation - facing the common shared side boundary with no. 11 and no. 9 Rushford Street. It is intended to use materials matching the host building.

Concerns were expressed to the planning agent early on during the planning application process regarding the submitted plans. Whilst the principle of a proposed single storey rear extension could be considered as acceptable, given the permitted development fallback position; in this instance, the submitted plan is considered to unduly impact on privacy and would give rise to overlooking. Advice was provided to the planning agent on how to overcome the planning issues with the application, and it was requested the agent confirms how they wished to proceed, within specified timescales. However, a solution that was mutually satisfactory could not be reached. The planning agent has subsequently instructed the planning officer to determine the application on the basis of the information available, (Correspondence from agent dated, 17/04/2024). It is considered that the application does not sufficiently accord with the development plan and there are reasons of sufficient weight to warrant the refusal of planning permission.

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.

POLICY

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

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

2. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

3. 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. 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.

4. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

- 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)

5. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

ISSUES

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle of development

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers, nor the occupiers of the host building. In this instance however, the principle of the proposal is considered unacceptable given the resultant contextual relationship along the common shared side boundary (specifically, with no. 11 and no. 9 Rushford Street), coupled with the proposed scale of glazing coming forward of the side boundary, combined with the proposed rearward projection at approximately 4000mm would adversely impact on the residential amenity of the existing and future occupiers, which means the application cannot be approved. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

Residential and Visual Amenity

Having assessed the proposal, and on balance, the proposed extension is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Whilst the principle of a proposed single storey rear extension could be considered as acceptable, and given the permitted development fallback position; in this instance, it is considered that the resultant contextual relationship along the common shared side boundary (specifically, no. 11 and no. 9 Rushford Street), coupled with the proposed scale of glazing coming forward of the side boundary would unduly impact on privacy and would give rise to overlooking; contrary to policy DM1 of the Core Strategy and saved UDP policy DC1.1 b), DC1.2 b), DC1.3 e). It is therefore considered that the overall harm that would be caused if the proposal were to be allowed far outweighs the demand for more living space.

Moreover, the proposed scale of glazing coming forward of the common shared side boundary with nos. 11 and 9 Rushford Street, combined with the proposed rearward projection at approximately 4000mm - exceeds the guidance set out in saved UDP policy DC1.3 a) regarding rearward extensions. Thereby, the proposed rearward projection is also contrary to this policy.

For these reasons, and on balance, and given the pre-existing privacy distance issue along the boundaries, it is considered that the if the proposal were to be allowed, it would exacerbate this pre-existing issue, and would as a consequence adversely impact on residential amenity and are factors of sufficient weight that would warrant the refusal of this application.

Conclusion

In this instance, although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that given the resultant contextual relationship along the side boundary (specifically, no. 11 and no. 9 Rushford Street), coupled with the proposed scale of glazing coming forward of the side boundary, combined with the proposed rearward projection at approximately 4000mm would adversely impact on residential amenity; therefore for these reasons and on balance, the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policy SP1, DM1 of The Manchester Core Strategy Development Plan Document (July 2012); and saved policy DC1 of the Unitary Development Plan (1995) for Residential Extensions.

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

In assessing the merits of the planning application officers have sought to work with the agent in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application; however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable. The planning agent subsequently instructed the planning officer to determine the application on the basis of the information available, (Correspondence from agent dated, 17/04/2024).

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

1) The proposed extension by reason of its relationship along the common shared boundary with no. 11 and no. 9 Rushford Street, coupled with the proposed scale of glazing coming forward of the side boundary, combined with the proposed rearward projection at approximately 4000mm would unduly impact upon privacy and give rise to overlooking, thereby, resulting in loss of amenity of the current and future occupants; contrary to chapter 12 of the National Planning Policy Framework (NPPF) (2021); policies SP1, DM1 of Manchester's Core Strategy (2012) and saved policies DC1.1 b), DC1.2 b), DC1.3 e) of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

9 Rushford Street, Manchester, M12 4WZ
3 Farrant Road, Manchester, M12 4PD
11 Rushford Street, Manchester, M12 4WZ
2 Farrant Road, Manchester, M12 4PD
26 Parry Road, Manchester, M12 5QD

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA