

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137164/FO/2023

Date registered valid: 24 July 2023

Proposal: Erection of single storey front extension to create additional living accommodation.

Address: 1 Rostron Avenue, Manchester, M12 5LQ

Ward(s): Ardwick Ward

Applicant: Mr Ayodeji Olakolu

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
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Recommendation: Approve

Date of recommendation: 7 June 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30 August 2023

Standard consultations:

Printed: 24 July 2023 Expired: 14 August 2023

Neighbour notifications

Printed: 24 July 2023 Expired: 14 August 2023

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 site is located in a residential area predominantly comprising 2-storey pitched roof housing. The property is presented to Rostron Avenue that has a one-way traffic regulation order running westwards from its junction with Bennett Street. Notwithstanding surrounding residential use, former industrial buildings are located on the north-west side of the Bennett Street. A grassed band separates Rostron Avenue from an elevated section of mainline railway line to the south-west of the site. Demarcated car parking bays are located on each side of Rostron Avenue. The application property is located at the end of a terrace. The property has front and rear garden. Neighbouring houses fronting Bennett Street have relatively shallow rear garden areas. The nearest property at 10 Bennett Street has a lean-to outbuilding that projects to a position adjacent to Rostron Street and the applications site boundary.



Fig.1 – Views of the application site from Rostron Avenue

Description of development



Fig. 2 – Proposed elevations and layout drawing

The works comprising the development have been completed and relates to a ground floor front extension that incorporates a porch and extends across the front elevation of the house and the adjoining flat roof garage. The existing front extension incorporates a lean-to roof that terminates beneath first floor windows to the principal elevation. The lean-to roof forms a front parapet to the garage screening the flat roof garage. The porch extends beyond the main part of the extension and incorporates a lean-to roof. The front extension originally formed an open canopy with supporting columns comprising the side elevation. The front extension has been in place since at least 2008 and constructed without planning permission. However, given the time expired following the completion of works, the extension is exempt from enforcement.

The implemented works comprise:

- i. The removal of the garage doors;

- ii. The in-filling of the side elevation with matching brickwork;
- iii. The in-filling of the front elevation with matching brickwork and the insertion of a new window reflecting style of the existing windows
- iv. Internally, a new bedroom has been formed providing an additional bedroom with an en suite shower room (served by an existing window). A doorway would link the bedroom to the main house and an existing rear door would provide access to the rear garden.

The proposed works require planning permission as they relate to alterations to a previously unauthorised extension.

Site history

- i. 134242/FO/2022: Refused - 06.09.2022 1 Rostron Avenue, Manchester, M12 5LQ

Change of use of dwellinghouse (Class C3) to a six bedroom house in multiple occupation (Class C4) and erection of a single storey side extension and conversion of existing garage to form additional living accommodation

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. There is concern that the loss of the garage would reduce car parking within the site with a consequential impact on localised congestion should car parking being displaced on to the highway.
- ii. Clarification is sought regarding the arrangements for waste management and storage.
- iii. Consideration should be undertaken of work in accordance with a construction management plan.
- iv. Any requirements for scaffolding and highways licensing should be agreed with the Council as local highways authority.

Environmental Health – Request a pre-commencement condition to address potential historic landfill gas migration. A watching brief condition has been requested to address any land contamination that may be encountered as part of the implementation of the development.

Flood Risk Management Team – The site is in Flood Zone 1 and at low risk of surface water flooding. Flood or other drainage mitigation is not required.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF have been considered in relation to the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. It is considered that the development would respond positively to the above objective and the following aspects of the Framework.

- i. Section 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In this case, the application property has incorporated render to its side and rear elevations for a number of years and has established a contrasting colour treatment as a characteristic of the existing houses. The development would improve the appearance of the property and section 12 would thereby be accorded with.
- ii. Section 14: Meeting the challenge of climate change, flooding and coastal change - It is considered that the site responds positively to chapter 14, through the incorporation of design techniques and materials that would improve the thermal insulation properties of the house. Section 14 would thereby be accorded with.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG is relevant to key planning issues of significance to applicants and local authorities. The assessment of the proposed development has been related to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Design
- iii. Health and well-being

The core principles and policy guidance contained within the National Planning Policy Framework and Planning Practice Guidance have been directly related to the assessment of the potential impact of the development on residential amenity and the character of Rushford Park Conservation Area. It is considered that the above principles would thereby be appropriately accorded with for the reasons set out below.

The Places for Everyone 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. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024, and was subsequently approved on 21st March 2024. 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 full weight in the planning balance. The following policies are relevant:

- i. JP- S1- Sustainable development
- ii. JP- S2 - Carbon and energy

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 aspects of the Core Strategy are considered to be relevant:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

- i. The creation of neighbourhoods of choice
- ii. The development should make a positive contribution to neighbourhoods of choice including:
 - a. Creating well designed places that enhance or create character.
 - b. Making a positive contribution to the health, safety and wellbeing of residents
 - c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - d. Protect and enhance the built and natural environment.
 - e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

The unauthorised front extension has become an established part of the property and has been related to the property and its context by the use of suitable materials. The development has not departed from the established character of the house. The scale of the development would be appropriately related to the constraints of the site and there are no conditions to prevent the conversion of the garage to additional living accommodation. The development has facilitated the on-going occupation of the house without apparent harm to residential amenity. The future occupation of the property as a Class C3 dwellinghouse is maintained by condition. The development is therefore appropriately related to policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment. In this case, it is considered that the elevational alterations relate appropriately to the existing house and policy EN1 would be positively responded to.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. How the sustainable waste management needs of the end user will be met.

The existing bin storage arrangements in the front garden would be retained to secure compliance with policy EN19.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in terms of design, height, scale, massing and potential impact on residential amenity. The development would also be appropriately related to in the character of the enlarged house. The development would thereby accord with policy DM1.

Unitary Development Plan - The following saved policies are considered to be relevant:

Policy DC1 - Residential Extensions

Policy 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 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 street-scene;
- e. The effect of the loss of any on-site car parking.

Policy 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 the original buildings);
- b. They do not create an 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 streetscene by virtue of design, use of materials or constructional 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.

The development related to the in-filling of open elevations forming part of the envelope to the existing building and new windows would be limited to the principal elevation. The development would be related to the constraints of the enlarged property and would not, therefore, affecting the characteristics of the existing building or its relationship to the surrounding context. The development has been satisfactorily related to policy DC1.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes. In this case, officers engaged in discussions with the applicant that resulted in the submission of accurately detailed drawings that facilitated the appropriate assessment of the development.

Principle – As stated the front of the application property has been extended without the required planning permission. However, the additions are exempt from enforcement action and have become an established characteristic of the existing house. The implemented in-filling extension has been appropriately related to existing built form and would provide limited additional floorspace. The use of the extension would be appropriately managed through the included operational conditions. On balance, the development is acceptable.

Use - A condition has been included to ensure that the property continues to be occupied as a single Class C3 dwellinghouse and precludes occupation as Class C4 house in multiple occupation.

Permitted development – A condition has been included to prevent windows, other than those shown on the approved drawings, from being installed without planning permission.

Residential amenity – It is not considered that the development would affect to relationship of the property to neighbouring houses. Safeguard residential amenity would be secured through conditions to management the future occupation of the application property. This includes to the installation of appropriate glazing to the en-suite bathroom and maintenance of the elevation in matching materials.

Scale and massing – The development has been satisfactorily related to extent of the existing envelope of the building and is considered to be satisfactory.

Siting - The development relates to the footprint of existing built form and is therefore acceptable.

Design – It is considered that the elevational composition of the extension has been appropriately related to the established characteristics of the house. Suitable materials have been used in its construction. The design is therefore acceptable.

Land conditions – The development involves the in-filling of open elevation, which would usually not require planning permission with issues relating to the provision of appropriate gas membrane being dealt with through building regulations

Highways – It is acknowledged that the development has resulted in the loss of garage car parking . However, the related driveway has dimensions of 6.5 metres (long) and 3.1 metres (wide) thereby allowing off-street car parking for one vehicle to be maintained. This car parking provision and arrangement is acceptable.

Waste and recycling management -The existing arrangements have been maintained in the front garden. This is acceptable as there has not been a departure from the existing circumstances.

Construction management – Not required as the development has been implemented.

Conclusion – On balance, the development is acceptable.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers engaged in discussions with the applicant that resulted in the submission of accurately detailed drawings that facilitated the appropriate assessment of the development.

Condition(s) to be attached to decision for approval

1) The development hereby approved shall be carried out in accordance with the following drawings and documents received by the City Council as local planning authority in the specified dates:

Householder planning application forms received 5 June 2023;

Location plan Ref: 270719-03 received 24 July 2023

Existing and proposed floor plan Ref: 270719-03 received 5 June 2023

Existing and proposed front and rear elevations Ref: 270719-03 received 2 June 2024

Existing and proposed side elevations Ref: 270719-03 received 2 June 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The materials used in the construction of the development hereby approved, including bricks and roof tiles (together with the method of coursing and pointing) and window frames, shall be maintained in situ and shall match the appearance of the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

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 part of the residential units shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a) not precluding occupation by two unrelated people sharing a property.

Reason - In the exceptional circumstances of a proliferation of HMOs 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 the provision of accommodation that is suitable for people living as families pursuant to paragraph 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 Core Strategy for the City of Manchester.

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 shall be inserted into the elevations of the development hereby approved other than those shown on the approved drawings referenced:

Existing and proposed floor plan Ref: 270719-03 received 5 June 2023;
Existing and proposed front and rear elevations Ref: 270719-03 received 2 June 2024;
Existing and proposed side elevations Ref: 270719-03 received 2 June 2024.

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

5) Within two months of the planning permission hereby granted, details shall be submitted to and approved in writing by the City Council as local planning authority confirming that the window to the en-suite bathroom relating to bedroom 5, as shown on the approved drawings, incorporates obscured glazing. The installed obscured glazing shall be maintained in situ whilst the application property is occupied.

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management

1 Rostron Avenue, Manchester, M12 5LQ
Arch 4, Bennett Street, Manchester, M12 5AQ
Arch 6, Bennett Street, Manchester, M12 5AP
Arch 2, Bennett Street, Manchester, M12 5AQ
Arch 3, Bennett Street, Manchester, M12 5AQ
Arch 5, Bennett Street, Manchester, M12 5AQ
225 - 255 Hyde Road, Manchester, M12 5AZ
12 Bennett Street, Manchester, M12 5NL
10 Bennett Street, Manchester, M12 5NL
12 Ercall Avenue, Manchester, M12 5LP

10 Ercall Avenue, Manchester, M12 5LP
5 Rostron Avenue, Manchester, M12 5LQ
3 Rostron Avenue, Manchester, M12 5LQ

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA