

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138953/FH/2024

Date registered valid: 5 January 2024

Proposal: Erection of two storey side and rear extension following demolition of existing garage.

Address: 12 Ollier Avenue, Manchester, M12 5SU

Ward(s): Levenshulme Ward

Applicant: Mr Moiz Khalid

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

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

Recommendation: Refuse

Date of recommendation: 25 February 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 24 January 2024

Standard consultations:

Printed: 8 January 2024 Expired: 29 January 2024

Neighbour notifications

Printed: 8 January 2024 Expired: 29 January 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: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a semi-detached dwellinghouse along a residential street characterised by a mix of terraced and semi-detached dwellinghouses. The application site has been extended. There is an existing single storey rear extension projecting approximately 4 metres deep, front porch, and detached flat roof garage sited along the side and rear garden and the common shared boundaries with no. 14 Ollier Avenue and no. 11 Gatling Avenue; including off-street car parking along the gable elevation.

The existing boundary treatment along the common shared with no. 14 Ollier Avenue is defined by concrete pillars and timber frame panel fencing, approximately 600mm high. Both properties have various side facing windows along the common boundary and maintain an existing separation distance of approximately 5.8 metres along this elevation. Their gardens are also north facing and as a consequence, there appears to be a pre-existing issue of overshadowing during most daylight hours.

The existing depth rear garden at the application site is approximately 1.8 metres deep. There is also a pre-existing issue of separation distance from those properties along the rear boundary, along Gatling Avenue; specifically, nos. 9, 11 and 15 Gatling Avenue, and as a consequence of this pre-existing factor, the existing minimum separation distance from these properties is approximately 12.3 metres (first floor window to window).

It is noted that there are various examples of similar developments within the immediate neighbourhood which have been approved under the current development plan; however, it is noted that these examples are scaled down in contrast to what is being proposed at the application site, for example: (ref: 136221, 135397, 131523, 117616, 116858).

Site History

- o No pre-application advice was sought from the local planning authority in relation to this application.
- o 108285/PDE/2015/N2, Single Storey Rear Extension. Extend beyond rear wall 4 Metres. Maximum Height from ground level 3.7 Metres. Maximum Height of Eaves 2.3 Metres, APPROVED 04/2015.

Description of development

The submitted application proposes a two storey side and rear extension following demolition of existing garage.

The proposal along the ground floor would be sited along the common shared boundary with no. 14 Ollier Avenue and set-back approximately 4319mm from the front building line of the original dwellinghouse. It would then run along this boundary approximately 6323mm deep, then forward of the existing single storey rear extension approximately 2947mm wide. This element would have a proposed rearward projection of approximately 4000mm deep and would incorporate open access "covered car parking" as annotated on the submitted information.

The proposed first floor element would also be sited along the common shared boundary with no. 14 Ollier Avenue and also set-back approximately 4319mm from the front building line of the original dwellinghouse. It would also run along this boundary approximately 6323mm deep, then forward of the first floor common shared boundary with no. 10 Ollier Avenue approximately 6013mm wide, whilst retaining a distance of approximately 2992mm from this boundary. This element would also maintain a proposed rearward projection of approximately 4000mm deep and would incorporate 1no. window along the first floor front elevation; including 2no. windows along the first floor rear elevation. The resultant separation distance between this element and the immediate dwellinghouse along the rear boundary, specifically; no. 11 Gatling Avenue is approximately 8.3 metres (first floor window to window).

It is intended to use external facing materials to match the existing house.

Consultations & Notification Responses

1. Local residents

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

Comment

I would like to express my concerns regarding this application and reject the side double story extension. I am not against the back double story extension. There are two vehicles registered at this property, excluding those, this property has been used for trading (buying/selling) vehicles for over a year and multiple vehicles utilise the existing driveway to store trade vehicles; in addition to parking other various vehicles in front of resident's homes and along Ollier Avenue. I understand that there is no law in restricting the limit of vehicles that one can purchase and no restrictions in parking as long as it's not obstructing. If the extension is granted, this will cause catastrophic inconvenience to other road users causing unnecessary stress and concerns which cannot be rectified after this extension is granted and would like to express that the application is declined due to inconsiderate excessive road use from the residents at 12 Ollier Avenue which will limit parking spaces if this application was to proceed.

2. Environmental Health

Environmental Health officers have recommended the following informative for this application (mainly due to the potential for asbestos containing materials in the structural materials of the garage to be demolished):

CLAND Watching Brief

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

We have no other comments.

POLICY

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

1. 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:

- o Chapter 12: Achieving well-designed places.

2. 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.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant weight in the planning balance.

3. 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:

- o Policy DM1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

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

- o Saved Policy DC1 for Residential Extensions.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 -

o Chapter 2: Design

ISSUES

Concerns were expressed to the planning agent regarding the submitted plan and it was advised that the proposal was unacceptable in design terms and by virtue of the proposed first floor rearward projection and the resultant bulk and massing impact, coupled with the resultant overbearing outlook from neighbouring gardens and associated privacy impact matters. As the initially submitted plans could not be supported, the agent was asked to confirm how they wished to proceed, within specified timescales, (dated, 14/02/2024). The agent subsequently submitted one sketch of a potential option for the extension. This sketch makes the side extension to single story (Bedroom 3) whilst retaining the rear extension (Bedroom 4), (dated, 16/02/2024). The agent was subsequently advised that the issues raised in initial advice had not been fully overcome through the submitted sketch, and therefore, they should confirm on the basis of which sets of plans the application should be determined, within specified timescales. No further correspondence has been received from the agent, and therefore, the application will be determined on the basis of the information available and recommended for refusal.

Principle

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and Visual Amenity

Having assessed the proposal, a number of concerns relate to the scheme. As previously stated, the existing boundary treatment along the common shared with no. 14 Ollier Avenue is defined by concrete pillars and timber frame panel fencing, approximately 600mm high. Both properties have various windows facing the common boundary whilst maintaining an existing separation distance of approximately 5.8 metres along this elevation. Their gardens are also north facing and as a consequence, the proposed first floor element would exacerbate this pre-existing issue and would unduly overshadowing during most daylight hours; contrary to policy DM1 of the Core Strategy and saved UDP policy DC1 for Residential Extensions.

The existing depth of rear garden at the application is approximately 1.8 metres deep. There is also a pre-existing issue of limited separation distance from those properties along the rear boundary, along Gatling Avenue; specifically, nos. 9, 11 and 15 Gatling Avenue, and as a

consequence of this pre-existing factor, the existing separation distance between the application dwellinghouse and these properties is approximately minimum 12.3 metres (first floor window to window). If the first floor rear extension were to be allowed, the resultant separation distance between these properties would be approximately 8.3 metres (first floor window to window), thereby giving rise to the potential for overlooking and resulting in the loss of privacy for those occupiers of the properties along the rear boundary; contrary to policy DM1 of the Core Strategy and saved UDP policy DC1 for Residential Extensions.

Furthermore, the proposed rearward projection at approximately 4000mm, combined with the proposed first floor width along the rear elevation at approximately 6013mm would create a long expanse of brickwork and the resultant massing impact from the proposed rearward projection is considered unduly overbearing and visually intrusive in terms of outlook along the first floor boundaries, and from the immediate neighbouring gardens, specifically; nos. 10 and 14 Ollier Avenue and nos. 9, 11 and 15 Gatling Avenue; which is contrary to policies DM1 and EN1 of the Core Strategy and saved UDP policy DC1 for Residential Extensions.

Moreover, in design terms, it is considered that the proposed two storey side extension element, coupled with the proposed relationship between the existing roof and the proposed roof configuration is considered to be out of character, thereby creating a visually incongruent feature along the Ollier Avenue street scene; contrary to The National Planning Policy Framework - Chapter 12: Achieving well-designed places; saved policy DC1 of the Unitary Development Plan for the City of Manchester for Residential Extensions; policy EN1 of the Core Strategy and The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance - Chapter 2: Design.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered to be unacceptable in design terms and by virtue of the proposed first floor rearward projection and the resultant bulk and massing impact along the first floor boundaries, coupled with the resultant overbearing and visually intrusive outlook from neighbouring gardens and associated privacy impact matters, and therefore, the proposed development does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1, EN1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995) for Residential Extensions; and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007), and for these reasons, the application should be refused.

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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed first floor extension by reason of the resultant overall mass of built form coming forward of and in such close proximity to the first floor common shared boundaries with

nos. 10 and 14 Ollier Avenue and nos. 9, 11 and 15 Gatling Avenue would create an overbearing and visually oppressive feature in terms of outlook from the neighbouring properties and gardens; contrary to the provisions of policy DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995) for Residential Extensions.

2) The proposed extension by reason of the resultant overall mass of built form coming forward of and in such close proximity to the first floor common shared boundaries, coupled with the proposed 4000mm rearward projection, would create a long expanse of brickwork in close proximity to habitable room windows, which would unduly overshadow and result in a significant loss of light for those occupiers and future occupiers of nos. 10 and 14 Ollier Avenue and nos. 9, 11 and 15 Gatling Avenue, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions and policy DM1 of Manchester's Core Strategy Development Plan Document (2012).

3) The proposed extension by reason of the proposed 4000mm first floor rearward projection and its relationship along the first floor rear boundaries with nos. 9, 11 and 15 Gatling Avenue, coupled with the extension coming forward of and in such close proximity to these boundaries would unduly impact upon the privacy of the occupiers of neighbouring properties, resulting in loss of amenity of the current and future occupiers; contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions, and policies SP1 and DM1 of Manchester's Core Strategy (2012).

4) The proposed two storey side extension element, coupled with the proposed relationship between the existing roof and the proposed roof configuration is considered to be out of character, thereby creating a visually incongruent feature along the Ollier Avenue street scene; contrary to The National Planning Policy Framework (2021) - Chapter 12: Achieving well-designed places; saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) for Residential Extensions; policy EN1 of the Core Strategy (2012) and The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) - Chapter 2: Design.

Informative

1) Environmental Health officers have recommended the following informative for this application (mainly due to the potential for asbestos containing materials in the structural materials of the garage to be demolished):

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

33 Ollier Avenue, Manchester, M12 5SU
29 Ollier Avenue, Manchester, M12 5SU
9 Gatling Avenue, Manchester, M12 5SX
27 Ollier Avenue, Manchester, M12 5SU
23 Ollier Avenue, Manchester, M12 5SU
14 Ollier Avenue, Manchester, M12 5SU
10 Ollier Avenue, Manchester, M12 5SU
21 Ollier Avenue, Manchester, M12 5SU
13 Gatling Avenue, Manchester, M12 5SX
11 Gatling Avenue, Manchester, M12 5SX
31 Ollier Avenue, Manchester, M12 5SU
25 Ollier Avenue, Manchester, M12 5SU

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA