

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 138863/FH/2023

**Date registered valid:** 17 January 2024

**Proposal:** Erection of part single, part two storey rear extension to form additional living accommodation

**Address:** 48 Lynthorpe Road, Manchester, M40 0JS

**Ward(s):** Charlestown Ward

**Applicant:** Mr Michal Gaj

**Agent (if any):** Mrs Katarzyna Senaczek, KTK Group Ltd

**Case officer:** Katie Raw  
Tel: 0161 234 4164  
Email: [katie.raw@manchester.gov.uk](mailto:katie.raw@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** **13 March 2024**

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 24 January 2024

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

Printed: 18 January 2024 Expired: 8 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 site/ area**

The application site relates to 48 Lynthorpe Road within the Charlestown ward of north Manchester. The application site relates to a semi-detached brick built with a red rendered finish, two storey dwellinghouse. The property benefits from hard landscaping to the front and rear with an existing single storey rear conservatory, rear canopy and large outbuilding along the rear building line of the applicant site.

The remainder of the area is residential in nature with houses of similar size and style. Additionally, Moston tram stop is located to the east of the property 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 existing conservatory would be removed as a result of the proposal and the part single storey rear extension would extend the width of the host property with approximate dimensions of Height: 3 x Length: 3.7 x Width: 6 metres. The part two storey rear extension would have a reduced level of built form – against the boundary with the adjoining neighbour (no.46 Lynthorpe

Road) the projection would be 1.7 metres and against the northern point of the extension extend 3 metres. At the largest point, the part two storey rear extension would have approximate dimensions of Height: 5.8 x Length: 3 x Width: 6 metres.

The proposal would involve the insertion of a set of sliding doors, Juliet balcony and two windows within the rear elevation and two skylights.

Materials to be used throughout the proposal would include:

- insulation with similar rendering to match existing
- flat roof GRP finish, pitched roof with slate
- PVC white windows and doors to match existing
- metal railing and glass Juliet balcony

Plans show the insertion of a new window within the existing side elevation of the host property and removal of existing window in the side elevation. Changes to this elevation could be achieved through the route of Permitted Development and so is not considered within this application.

Plans were amended during the course of the application. The plans originally showed a hip to gable roof conversion and rear roof dormer as approved under planning reference: 134467/FH/2022, whilst the description of development did not include this piece of development. The agent was asked to remove the roof alterations from the proposal as they have already been approved. Further, the form of the single storey rear extension with a proposed balcony was altered to create a Juliet balcony.

### *Planning History*

136318/FH/2023- Erection of part two storey, part three storey above ground rear extension incorporating a rear balcony and basement, together with hip to gable roof alterations.  
Withdrawn 8 June 2023.

134467/FH/2022- Roof alterations involving hip to gable conversion and rear roof dormer.  
Approved 23 September 2022.

## **Consultations & Notification Responses**

### *Local Residents*

Local residents were consulted and no responses were received.

## **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.

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.

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

## ISSUES

*Principle of Development*

The submitted development application is for the erection of part single, part two storey rear extension to form additional living accommodation. 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.

### *Visual/ Residential Amenity*

The proposal would be sited against the common boundary with the adjoining neighbour no.46 Lynthorpe Road – extending at 3.7 metres at ground floor and 1.7 metres at first floor. Given the proposal would have the same projection at ground floor as is currently the case, the impact to the adjoining neighbour would not change and is therefore considered acceptable. The biggest impact to the adjoining neighbour would be from the proposed part two storey rear extension with a projection of 1.7 metres. Given the small projection at the point closest to the shared boundary, any harm in terms of tunnelling is not considered to be so severe to warrant a refusal of the scheme. Since the neighbouring property is due south of the applicant property, the neighbour would not be impacted by any loss of light/ overshadowing. Further, no adverse privacy implications would occur to this neighbour given the placement of windows. A further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent.

The proposed development would be sited close to the common boundary with no.50 Lynthorpe Road. Given the existing ground floor conservatory does not extend the width of the host property, the proposal would result in built form closer to the shared boundary than existing at both ground and first floor. However, a 1.5 metre gap would be retained between the side elevation of the proposal and the common boundary. At ground floor level given the distance between the proposal and shared boundary and the projection of 3.7 metres any adverse implications are not considered to be severe. At first floor, additional built form would be sited 1.5 metres from the shared boundary and project 3 metres. Whilst the first floor extension may cause some loss of light/ overshadowing to the neighbouring property due to the orientation of the properties within the streetscene, given the gap between the two and given the property would still benefit from sun in the morning, any impact is not considered so adverse to warrant a refusal on the scheme. No adverse privacy implications would occur as a result of the proposal.

Due to the 8.8 metre distance from the proposal to the rear boundary line of the host property and the existing outbuilding at the rear of the garden which would create an obstacle, any overlooking to the properties to the rear is not considered to be severe.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

### *Design and Appearance*

The rear extension would have a projection of 3.7 metres at the largest point. Whilst the projection would just exceed the maximum rear projection beyond Policy DC1.3 of the UDP, Permitted Development rights, including the larger homes extension route, allows extensions much larger in size. Given the form of the extension at first floor level responds to the proximity with the adjoining neighbour by having a set in and a reduced level of built form at first floor level, the design of this element of the proposal is considered acceptable.

Materials to be used have been listed within the report previously and are considered to relate to the host property appropriately. This is considered acceptable and would be conditioned accordingly within any approval granted.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

### *Car Parking*

No change to car parking arrangements would occur as a result of the proposal.

### *Bin Storage*

Space would be retained for bins to be stored within the private amenity space connected to the property.

### *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.

## **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 a revised plan considered to overcome concerns was received. 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 17 January 2024.

-Drawing- Proposed- Floor Plan, numbered PA-5-03, stamped as received by the City Council as Local Planning Authority on 29 January 2024.

-Drawing- Location Plan, numbered PA-5-01, stamped as received by the City Council as Local Planning Authority on 29 January 2024.

-Drawing- Proposed- Elevations, numbered PA-5-05, stamped as received by the City Council as Local Planning Authority on 31 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) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and 'Drawing- Proposed- Elevations, numbered PA-5-05', 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.

## **Appendix 1 – List of consultees & neighbours notified**

109 Lynthorpe Road, Manchester, M40 0JU  
46 Lynthorpe Road, Manchester, M40 0JS  
42 Lynthorpe Road, Manchester, M40 0JS  
7 Gisburne Avenue, Manchester, M40 0LB  
111 Lynthorpe Road, Manchester, M40 0JU  
34 Kirkstone Road, Manchester, M40 0GG  
113 Lynthorpe Road, Manchester, M40 0JU  
37 Kirkstone Road, Manchester, M40 0HE  
50 Lynthorpe Road, Manchester, M40 0JS  
44 Lynthorpe Road, Manchester, M40 0JS  
29 Branston Road, Manchester, M40 0JR  
18 Branston Road, Manchester, M40 0JR  
11 Gisburne Avenue, Manchester, M40 0LB  
9 Gisburne Avenue, Manchester, M40 0LB

## **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 High Risk - Name: DEVELOPMENT\_HIGH\_RISK\_AREA  
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: NORTH AREA