

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139163/FH/2024
Date registered valid: 2 February 2024
Proposal: Erection of two storey side and part two, part single storey rear extension with canopy to front elevation
Address: 3 Orville Drive, Manchester, M19 2JW
Ward(s): Burnage Ward

Applicant: Mr Aqib Ali
Agent (if any): Ms Dawn Cooper DaC Design Ltd
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 26th March 2024



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27.02.2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 13 February 2024 Expired: 5 March 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

The site/building relates to a two storey end semi detached property in the Burnage ward area of Manchester. The property features an attached garage to the side with access via a security gate along the side. Gardens are to the front and rear with off road car parking. Boundary treatment comprises low buff brick wall with decorative railings and hedging with some landscaping to the front and timber fencing is to the rear. The property benefits from a small rear conservatory located near to the shared boundary with the adjoining semi detached property no. 5 Orville Drive.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature. The application site is positioned close to a detached bungalow which is located north of the application site.

Description of development

The applicant is seeking planning permission for the erection of two storey side and part two, part single storey rear extension with canopy to front elevation.



Consultations & Notification Responses

Local residents - as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. No comments or representations have been received in respect of this application.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF 2023)

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 have now consider the Inspectors' Report and have adopted the Places for Everyone plan.

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 City Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (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 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed including: the effect upon the amenity of neighbouring occupiers, general character of the property, desirability of enabling people to adapt their houses, overall appearance in the streetscene, they are not excessively large or bulky, and they do not create an undue loss of sunlight, daylight or privacy. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Plans considered as part of this scheme

Received on 2nd February 2024 numbered P02 Existing Floor Plans

Received on 2nd February 2024 numbered P03 Existing Elevations

Received on 2nd February 2024 numbered P04 Proposed Floor Plans

Received on 2nd February 2024 numbered P05 Proposed Elevations

Planning History

There are no previous planning applications relating to this property.

Residential Amenity

The property is a semi-detached dwellinghouse located on the east side of Orville Drive and like many other properties along this frontage, has undergone previous enlargements. This particular property features a single storey garage sited along the shared boundary with no. 1 Orville Drive and single storey rear conservatory.

The applicant is seeking planning permission for the erection of two storey side and part two, part single storey rear extension with canopy to front elevation. There were raised concerns by the City Council in relation to the proposal's potential to provide an overbearing impact upon the occupiers of the adjacent property no. 1 Orville Drive. Concerns were raised with the agent; however, no response has been received at the time of preparing this report.

Front

The existing front elevation comprises an entrance and bay window. The proposed extension would be sited along the side with the canopy running the width of the front incorporating the new extension. It is not considered that the introduction of a front canopy would provide a detrimental outlook on the adjoining properties or the surrounding area.

Side/rear Ground floor

The extension would be in line with the front wall of the property extending towards the side boundary retaining a gap of 700mm approximately to the shared boundary with no. 1 Orville Drive. The proposal would extend rearwards with a projection beyond the rear wall of the property measuring 3.6m wrapping around the property up to the shared boundary with the adjoining semi detached property no. 5 Orville Drive.

Two windows are proposed along the side which would serve the bathroom and laundry area. The roof to the front and rear would be a mono pitch with the inclusion of two roof lights on the rear roof. Windows are proposed on the rear elevation with a door and bi folding doors.

Side/rear first floor

The first floor element of the proposal would be setback slightly from the front wall of the property measuring 900mm, extending towards the side boundary retaining a gap of 700mm approximately to the shared boundary with no. 1 Orville Drive. The proposal would extend rear wards with a projection beyond the rear wall measuring 3.6m with a wrap around of the property measuring 6.0m in width and retaining a gap to the shared boundary with the adjoining semi detached property measuring approximately 4.0m. The roof would be hipped to reflect the current roof style of the property.

Fenestration would be on the front and side with a Juliet balcony on the rear elevation.

The City Council maintains that the proposal would by reason of its height, rearward projection and close proximity to the site boundary with no. 1 Orville Drive would create an undue loss of light and have an overbearing impact to the detriment of the amenity of the occupiers of this

property. It is believed due to the location of the side/rear element of the extension together with the orientation of the application site, that this would provide an overly dominant structure, which would be oppressive and visually obtrusive to neighbouring occupier and result in visual harm.

The City Council therefore considers that the proposal does not accord with policies SP1 and DM1 of the Manchester Core Strategy Development Plan and saved Unitary Development Plan policy DC1 and the guidance contained within the National Planning Policy Framework. The proposed development is therefore contrary to the provisions of DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Scale and Massing

It is considered that the proposal would read as excessively large and bulky to the adjacent neighbouring property and would have an overbearing impact upon the amenity levels of neighbouring occupiers at no. 1 Orville Drive, and would therefore be contrary to saved policies DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Design

Given the proposals prominent location it is considered that the proposal has not been sited and designed appropriate to the character of the area. The design of the extension the lack of subservience to the existing dwelling has not been tailored to fit the shape of the existing property/plot and respect the relationship with the neighbouring property at the side and rear and is considered unacceptable.

Therefore, the proposal does not accord with the principles for residential extensions set out in saved UDP policy DC1 and Core Strategy Policies DM1, SP1 and EN1.

Waste management

Bin storage is not affected by this proposal as there is adequate space along the side for the movement of refuse bins. Therefore, bin storage complies with policy DM1 of the Manchester Core Strategy.

Parking

Off street car parking would be retained to the site and therefore it is considered that car parking arrangements are not affected by this proposal.

Conclusion

For the reasons set out above, it is considered that the extension would have an unacceptable appearance as the resultant house would have a bulky appearance with an overbearing massing and scale to the detriment of neighbouring occupier. In light of this, the proposed extension is considered to be unacceptable in terms of their appearance and would be detrimental to visual and residential amenity within the area contrary to saved policies DC1.1, DC1.2, DC1.4 and policies DM1 and SP1 of the Core Strategy.

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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The proposed extension by reason of its height, rearward projection and close proximity to the site boundary would create an undue loss of light and have an overbearing impact to no. 1 Orville Drive, to the detriment of the amenity of the occupiers of the property. The proposed development is therefore contrary to the provisions of saved policy DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

2 Orville Drive, Manchester, M19 2JW
15 Lynton Drive, Manchester, M19 2LQ
5 Orville Drive, Manchester, M19 2JW
4 Orville Drive, Manchester, M19 2JW
1 Orville Drive, Manchester, M19 2JW
6 Orville Drive, Manchester, M19 2JW

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

Area Team Boundary - Name: SOUTH AREA