

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138949/FH/2024

Date registered valid: 4 January 2024

Proposal: Erection of single storey side extension and a part single/part two storey extensions to the rear to form additional living accommodation; erection of a single storey garden outbuilding

Address: 5 Cross Road, Manchester, M21 9DH

Ward(s): Chorlton Park Ward

Applicant: L & J Hingston

Agent (if any): Mr Gavin Watts Define Architects

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17th April 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 2nd February 2024

Standard consultations:

Printed: 10 January 2024 Expired: 31 January 2024

Neighbour notifications

Printed: 10 January 2024 Expired: 31 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

The property that is the subject of this householder application is the left -hand property of a pair of 3 storey semi-detached dwellinghouses, it is identified as 5 Cross Road in the Chorlton Park ward of the City. There is a garden to the frontage with a driveway that can accommodate off road parking. Double gates lead through to the much larger than average rear garden. There is an existing single storey 'L' shaped extension on the rear of the property and at the bottom of the garden is a stand- alone timber structure.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable.

Description of area

The area is predominantly residential in nature. Immediately opposite the site is a disused car park, and beyond that Beech Road Park There is a local centre on Beech Road with an eclectic mix of shops and eateries.

Description of development

The proposal is for the erection of a single storey side extension and a part single part 2 storey rear extension together with a free- standing ancillary unit in the rear garden. The additional accommodation created by the extensions to the host property will be an extended open plan kitchen, dining room and lounge to the ground floor, with master bedroom, en-suite bathroom and walk in wardrobe to the first floor. The free -standing garden unit will provide a home office, storage and cycle storage and seating area together with an outdoor kitchen and recreational space.

Consultations & Notification Responses

Local Residents were informed- two representations have been received which raised the following issues:

The window in the first- floor side (northern) elevation would result in a loss of privacy and overlooking of the neighbouring property from such a height.

The 2 storey rear extension would block the sunlight from both the downstairs living area and the patio as the sun will be behind the first floor extension through the year.

We have strong objections to the proposed garden pavilion which splits the garden in two and is completely unsympathetic in appearance and materials to what is a green space. Although a relatively large garden in relation to most in Chorlton it is not of a scale that could accommodate a brick and tile built pavilion of the scale proposed. The concept, scale and proposed materials are totally out of keeping with an urban garden. It is important environmentally that 'green spaces' are not built over whether in the private or public realm. A differently situated, smaller building in timber might be more sympathetic.

Permitted development rights should be removed after this application to prevent the pavilion being separated from the rest of the application

Neighbourhoods Trees- Have no objections to the proposal subject to the works being implemented in accordance with the recommendations and mitigation measures in the approved Arboricultural Impact Assessment.

Issues

Policies

National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions.

The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

This guidance emphasises the importance of design to the built environment and its contribution to sustainable development and making places better for people and creating attractive, safe and accessible environments.

The Development Plan

Manchester's Core Strategy Development Plan Document forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- o creating well designed places,
- o making a positive contribution to health, safety and well-being,
- o considering the needs of all members of the community, and
- o protecting and enhancing the built and natural environment.

Policy DM1 (Development Management) seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.

DM1 covers the issues which need consideration and those relevant to this scheme are: scale, form, massing, materials and details; impact on surrounding area in terms of design, scale and appearance; and effects on amenity.

Saved UDP Policies DC1.1 DC1.2 and DC1.3 set out the guidance on household extensions such as those proposed.

Policy DC1.1 sets out the criteria for assessing residential extensions including the general character of the property, impact on the amenity of neighbouring occupiers and the appearance in the street scene.

Policy DC1.2 states that extensions to residential properties will not be allowed if they are excessively large or bulky and result in structures which are not subservient to the original house, or which create undue loss of sunlight, daylight or privacy.

Policy DC1.3 states that the Council will not normally approve rearward extensions greater than 3.65m in length, or two-storey extensions with a flat roof visible from the street.

Policy DC1.4 states that the Council will seek to ensure that the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned and the actual or potential result of building the extension will not be the creation of a terracing effect.

Principle

This is a residential property in an established residential area and the principle of extending the property to create additional living accommodation is considered acceptable, subject to the consideration of other issues including the residential and visual amenity impact upon the neighbouring properties and character of the property and the area within which it is located.

Residential amenity- The extension to the ground floor extends towards the common boundaries on both sides of the property. It sits up close to the adjoining boundary with number 7 Cross Road, however retains a reasonable gap to the common boundary with number 3 Cross Road in order to enable access to the rear garden. The first floor extension is set well in off the boundary with number 7 and projects no further sideways to number 3 Cross Road than the existing property being 3.75 metres from the common boundary and approximately 9 metres from the side of the extension to the side of the properties outrigger at number 3 Cross Road, which houses the patio doors on the side.

The proposed first floor would project from the rear by approximately 5 metres. Originally there was a full height window proposed in the northern elevation of the first floor extension, however, it was considered that this had the potential for loss of privacy, this has now been revised to replace the window with a roof light. There are no windows proposed on the first floor of the extension in the side elevations, with the windows being placed in the rear elevations to overlook the applicants own garden. The proposed first floor extension would be set down significantly from the existing ridge of the host property.

There is a window proposed in the existing house, which would serve a bathroom and would be obscurely glazed.

It is considered that based upon the revised proposal and the design of the extensions, that the proposal will not have so detrimental an impact upon the residential amenity currently enjoyed by the neighbouring properties as to merit refusal.

The garden room whilst larger than the current outbuilding that sits at the bottom of the garden can still easily be accommodated within the larger than average garden. The fenestration has been concentrated within the front elevation (east) with no windows proposed facing number 3

Cross Road (north). There would be a single door in the elevation facing number 7 Cross Road (south), however given the established boundary treatments, this would not cause overlooking or loss of privacy. At single storey, and given the heights of the relative boundary treatments, it is not considered that the proposed garden room would have detrimental impacts upon the residential and visual amenity of the neighbouring properties. The garden room is of a footprint much smaller than that which would be allowed under permitted development rights as such the floorspace is not considered to be unsympathetic or excessive in terms of its floorspace.

Impact on the character property and appearance in the street scene

The side extension is single storey and is set well back from the front elevation. It will be in materials to match the existing property and will be of a flat roof construction with a parapet roof. There is a garage along the common boundary at number 3 Cross Road, which runs alongside part of the proposed side extension. In addition, there is a very well- established boundary treatment along that boundary comprising of trees and dense shrubs, which will mask much of the proposed single storey element of the extension. The 2 storey extension cannot be readily viewed from within the context of the street scene being only viewed from the private garden areas of the neighbouring properties.

This is the same for the single storey free standing unit which is located centrally within the rear garden. Whilst the extensions are of a modern design the materials proposed mirror the pallet found on the host property and given the various setbacks and stepping down of the roof heights, they retain a subservience and relationship to the main dwellinghouse, and to its appearance when viewed within the context of the street scene.

Impact on the neighbouring properties

The first- floor rear extension is set well away from the directly adjoining property of number 7 Cross Road and it is considered that any impact would be minimal. The application site has a long rear garden, and this backs on to a commercial use and as such there are no issues of overlooking and loss of privacy in this respect. The property to the other side of the application site at number 3 Cross Road has a large, single-storey garage building with a pitched roof that is built right up to the shared boundary, therefore it is considered that any impact from the proposals on this property from the single storey side extension would be minimal.

The first- floor rear extension projects 5 m off the rear elevation, however, takes the property no closer to number 3 Cross Road to the side. The originally proposed floor to ceiling window that served the proposed dressing room has been replaced with a sky light, and the extension is set down considerably from the ridge height of the existing property. There is a long vertical window in the side elevation towards number 7 Cross Road, however there is sufficient distance between the properties for there to be no impact from overlooking or loss of privacy. Therefore whilst it is acknowledged that there may be some reduction in daylight to the neighbouring property, given the orientation, and that the light currently clears the much higher existing property, it's not considered to be so detrimental as to merit refusal.

Materials

The materials palette is a combination of matching and contrasting materials which are sympathetic to the host property. The brick is of a contrasting red brick and there is a highly glazed dark green tile as a detailing on the first- floor extension. The garden room is of a brick construction and relates well to the host property and the proposed extensions to the host property.

Proposed Use of the Outbuilding.

The outbuilding is to be used as ancillary accommodation by the occupants of the main dwellinghouse. Concerns had been raised with regards to the unit being used potentially in isolation and that Permitted Development Rights should be removed. Given that planning permission would be required to use the unit for anything other than in association with the

occupants of the main dwellinghouse, this is not considered appropriate. A condition ensuring that the unit could not be used for unrelated activity will be attached to any consent granted.

Waste

The proposal does not build up to the side boundary and leaves a gap of sufficient width to enable access to the rear garden, and for the bins to be stored alongside and brought to the kerb side on collection day.

Potential for terracing

The side extension is set back from the front of the house and in any event is only single storey retaining a large physical gap between the neighbouring properties and therefore the proposal does not result in a potential for terracing.

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. The application has been determined in accordance with both national and local policies and following that assessment has been considered to be acceptable subject to the attachment of appropriate conditions.

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:

061_PLN_200 Rev P02 Proposed Site Plan. received 28th March 2024
061_PLN_203 Rev P02 Proposed Roof Plan received 28th March 2024
061_PLN_300 Rev P02 Proposed Northern Elevation received 28th March 2024
061_PLN_132 Rev P01 Proposed Southern Elevation, received 18th April 2024
061_PLN_202 Rev P02 Proposed First Floor Plan received 28th March 2024
061_PLN_301 Proposed East and Western Elevation received 4th of January 2024
061_PLN_302 Rev P01 Proposed Pavilion Elevations received 4th of January 2024
061_PLN_201 Rev P01 Proposed Ground floor received 4th January 2024
061_PLN_204 Rev P01 Proposed Pavilion Ground Floor Plan received 4th January 2024
061_PLN_205 Pavilion Roof Plan. received 4th January 2024
Seed Arboricultural Impact Assessment dated 19th December 2023

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.

3) The materials to be used on the external surfaces of the extension hereby permitted including patching in and mortar shall match those of the existing building in type, size, colour and texture, and those listed within the application form received 4th January 2024

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

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 or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) Before first occupation the windows in the northern elevation serving the en-suite bathroom shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

7) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling identified as 5 Cross Road, Manchester, M21 9DH.

Reason - To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

Informative

1) Please note that it is always important on these projects to ensure that the developers have a toolbox talk with the contractors to ensure that they have read and understand the importance of the Arboricultural Impact Assessment when carrying out work on sites surrounded by trees.

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)

7 Cross Road, Manchester, M21 9DH

3 Cross Road, Manchester, M21 9DH

17 High Lane, Manchester, M21 9DJ

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA