MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139194/FH/2024
Date registered valid:	6 February 2024
Proposal:	Erection of a single storey side extension.
Address:	43 Nicholas Owen Close, Manchester, M11 2DR
Ward(s):	Clayton & Openshaw Ward
Applicant:	Miss Emma Marshall
Agent (if any):	Mr Neil Brickles, Manchester City Council
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	1 April 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 March 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 15 February 2024 Expired: 7 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of site / building / area

The application relates to a 2-storey dwellinghouse along a cul-de-sac of properties of similar type. The application site is located along a residential housing estate configured around a series of cul-de-sacs and accessed from Victoria Street. The application site benefits from amenity space along the front side and rear elevations, including all round boundary treatment, whilst incorporating a gated access along the side elevation. Off-street parking is along the front and side driveway and bins are stored along the side access.

The existing side access shares a common boundary with no. 45 Nicholas Owen Close, and measures approximately 2.7 metres wide. The existing rear garden is west facing and shares a common boundary to the back of pavement along Victoria Street.

Description of development

Consent is sought for a single storey side extension.

The submitted information indicates that the application benefits the needs of a disabled occupier residing at the property.

The proposed single storey side extension would be sited along the common shared boundary with no. 45 Nicholas Owen Close, whilst retaining a small gap of approximately 38mm from this boundary. It would be set-back approximately 3939mm from the front building line of the existing dwellinghouse and would then project approximately 4421mm along the side boundary, then forward of the side elevation of the existing dwellinghouse approximately 2550mm wide; whilst being flush with its rear building line. It would incorporate a lean-to pitched roof design - maximum proposed height approximately 3600mm; and would include 1no. window along the rear elevation only. It is intended to use matching materials.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

2. Environmental Health

Environmental health officers have advised of the following informative to be attached to any recommendation for planning approval due to historical potentially contaminative activities (including an iron foundry) taking place in this area:

CONTAMINATED LAND 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 on0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

POLICY

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

1. The National Planning Policy Framework (NPPF), (July 2021):

- Chapter 8: Promoting healthy and safe communities.
- Chapter 12: Achieving well-designed places.

2. Places for Everyone

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, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).
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.

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

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

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 for Residential Extensions is still considered of relevance.
- Saved Policy DC1.5 relating to applications from disabled people who may require particular adaptations to their homes.

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

- Chapter 2: Design

ISSUES

Principle

The submitted application proposes a single storey side extension. The proposed development would benefit the needs of a disabled occupier residing at the property; and therefore, the principle of the proposal is considered acceptable. Notwithstanding this factor, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey side extension) - In light of the pre-existing contextual relationship along the side boundary, and the fact that the proposal would set back approximately 7639mm from the front boundary treatment to maintain a significant separation from the highway, and it would be stepped-away from the common shared boundary with no. 45 Nicholas Owen Close, and it would not project beyond the rear building line of the existing house, and due to the fact that the existing boundary treatment would be unaffected, it is considered that the proposed development would not present a significant adverse impact to residential amenity, nor is it considered that the proposed scale along the street scene would be significantly intrusive. Moreover, the proposed development benefits the needs of a disabled occupier residing at the property, and therefore on balance, the proposal is considered acceptable as there are no overbearing, overshadowing, or, loss of privacy impacts; pursuant with The National Planning Policy Framework; Core Strategy policies SP1, DM1, and saved policies DC1, DC1.5 of the Unitary Development Plan.

Impact of works (Design and appearance) - The proposed development is considered to be acceptable in design terms as it is intended to match materials with those of the existing building. However, a materials condition has been attached to ensure that materials are adhered to; pursuant with The Manchester Core Strategy Development Plan Document Policies SP1 and DM1 and saved Policies DC1 of the Unitary Development Plan.

Impact of works (Car parking) - Although the existing side access would in-part be lost to accommodate the proposed extension, the depth of driveway of approximately 7639mm would still be retained, which is line with the council's minimum standards; pursuant with The Manchester Core Strategy Development Plan Document policy DM1 and saved policy DC1 of the Unitary Development Plan.

Impact of works (Waste management) - The existing arrangement would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document policy DM1, EN19; and saved policy DC1 of the Unitary Development Plan.

Conclusions - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1, DC1.5 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and no comments or objections have been received in response to this application from local residents.

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 polices 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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, the local planning authority had no issues to raise with the agent but has attached appropriate conditions to the approval.

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:

o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 06 February 2024.

o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 06 February 2024.

o Design and Access Statement, received by the City Council as the Local Planning Authority on 06 February 2024.

o Existing LAYOUT PLAN, received by the City Council as the Local Planning Authority on 06 February 2024.

o Existing ELEVATIONS, received by the City Council as the Local Planning Authority on 06 February 2024.

o Proposed LAYOUT PLAN, received by the City Council as the Local Planning Authority on 06 February 2024.

o Proposed ELEVATIONS, received by the City Council as the Local Planning Authority on 06 February 2024.

o Proposed ROOF, FOUNDATION AND WALL DETAIL, received by the City Council as the Local Planning Authority on 06 February 2024.

o Supporting Information / DESIGN SPECIFICATIONS, received by the City Council as the Local Planning Authority on 06 February 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1 and DM1 of the Core Strategy (2012).

3) The external facing materials to be used on the development hereby permitted shall match those of the existing building in terms of type, colour, texture, scale, pointing and coursing and as stated on the submitted information and approved drawings.

Reason - To ensure that 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 policy DC1 of

the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

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 development hereby approved other than those shown on: Proposed LAYOUT PLAN; Proposed ELEVATIONS; Proposed ROOF, FOUNDATION AND WALL DETAIL, all received by the City Council as the Local Planning Authority on 06 February 2024.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

5) Before first occupation of the development thereby approved, the proposed ground floor window along the rear elevation as shown on: Proposed LAYOUT PLAN and Proposed ELEVATIONS, both received by the City Council as the Local Planning Authority on 06 February 2024, shall be obscurely 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 - In the interest of privacy and to protect the amenity and living conditions of adjacent properties and in accordance with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's 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 provision of accommodation that is suitable for people living as families pursuant to policy 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 Manchester Core Strategy.

Informative

1) The following informative is advised due to historical potentially contaminative activities (including an iron foundry) taking place in this area:

Contaminated Land 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 on0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

16 Meech Street, Manchester, M11 2JL
41 Nicholas Owen Close, Manchester, M11 2DR
111 Meech Street, Manchester, M11 2JJ
46 Nicholas Owen Close, Manchester, M11 2DR
45 Nicholas Owen Close, Manchester, M11 2DR

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