

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138623/FH/2023
Date registered valid: 22 November 2023
Proposal: Erection of a part single/part two storey side and rear extension together with a single storey rear outbuilding
Address: 71 Yew Tree Road, Manchester, M14 7BJ
Ward(s): Fallowfield Ward

Applicant: Mr Shabir Hussain
Agent (if any): Mr Subhan Saleem Saleem Architects
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 16 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 October 2023 (from 138136/FH/2023)

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 November 2023

Expired: 18 December 2023

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 area

The application site relates to 71 Yew Tree Road within the south Manchester ward of Fallowfield. The application site relates to a semi-detached, red brick, two storey dwellinghouse. Amenity space to the front of the property is characterised by an area of paved hardstanding bounded by a low timber hit and miss style fence. Further amenity space is sited to the side and rear of the property in the form of a grassed garden and hardstanding.

Description of development

The submitted application seeks planning permission for the erection of a part single/part two storey side and rear extension together with a single storey rear outbuilding.

The part single storey side extension would be sited against the shared boundary with no.73 Yew Tree Road and would have approximate dimensions of Height: 3.5 x Length: 6 x Width: 2metres. The part two storey side extension would be set back from the primary elevation of the host property by 2 metres with approximate dimensions of Height: 6.2 x Length: 4.4 x Width: 2 metres.

The part single storey rear extension would have approximate dimensions of Height: 3 x Length: 4.5 x Width: 8.8 metres. The part two storey rear extension would be set in from the shared boundary with no.73 Yew Tree Road by 1.5 metres and would have approximate dimensions of Height: 6.4 x Length: 3.65 x Width: 4.3 metres.

The single storey rear outbuilding would be sited in the rear garden, close to the rear boundary of the site and have approximate dimensions of Height: 2.7 x Length: 5.3 x Width: 8.7 metres.

Materials to be used throughout the proposal would be to match those used within the host property.

Amended Plans

Plans have been amended from those originally received. The current application seeks to overcome issues raised under a previous application for the site- 138136/FH/2023 (see further details below). Whilst the current application addressed many of the concerns raised under 138136/FH/2023, concern was raised during the course of this application that the part two storey rear extension would create an overbearing impact to no.73 Yew Tree Road. The form of this element of the proposal was amended to overcome concerns. The revised scheme is assessed within this report.

Planning History

138136/FH/2023- Erection of a two storey side and part single/part two storey rear extension together with a single storey rear outbuilding.
Withdrawn 14 November 2023.

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).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the

general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. 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;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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.

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

ii.JP- S2 – Carbon and energy

iii.JP- S5 – Flood risk and the water environment

iv.JP- H1 – Scale, distribution and phasing of new housing.

ISSUES

Principle of Development

The submitted development application is for the erection of a part single/part two storey side and rear extension together with a single storey rear outbuilding. 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 including disabled access needs. 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

Part single, part two storey side extension:

The side extension would be sited against the shared boundary with no.73 Yew Tree Road. Although the proposal would result in built form closer to the boundary than is currently the case, given the neighbour's space along the side of their property is characterised by hardstanding only and not as usable amenity space for the residents to sit, it is not considered to be overbearing. Further, the two metre set back at first floor level would help retain a level of openness at the site. Although the proposal may block light into the neighbour's side windows, they appear to relate to top opening or obscure glazed windows only and therefore any loss of light is not considered severe.

Part single, part two storey rear extension:

No.73 Yew Tree Road would feel additional built form run beyond its rear building line and at ground floor the proposal would have a projection of 4.5 metres. Although this would result in additional built form closer to the shared boundary of no.73 Yew Tree Road, due to the formation of the road, the neighbouring property benefits from a splayed boundary and this would help reduce some of the overbearing impact. Further, the ground floor rear extension would create an accessible bedroom for the resident and impact to the neighbour would be overcome by the need to provide a suitable space for the disabled resident. The proposal would not impact loss of light to no.73 Yew Tree Road due to the orientation of properties within the streetscene.

At first floor level, the first floor rear extension has been set away from the common boundary by 1.5 metres with a reduced projection of 3.65 metres. This is considered adequate to ensure the first floor element does not create an overbearing feature to no.73 Yew Tree Road by creating a break in the bulk of built form. This is further helped by the hipped formation of the roof of the first floor rear extension.

No.69 Yew Tree Road would also feel the 4.5 metre projection extension running along the common boundary. Given at this point the proposal would be single storey it would not be considered overbearing. The set in of the first floor element of the proposal ensures the proposal does not create adverse loss of light implications since the applicant site is due south of the neighbouring property and does not create an adverse tunnelling impact.

No adverse privacy implications would occur as a result of the proposal to the adjoining neighbours and no neighbours are sited to the rear of the proposal. A further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent.

Single storey rear outbuilding:

The outbuilding would be sited to the rear of the back garden and face onto the host property. The fenestration to the proposal would not give rise to any adverse implications and is therefore considered acceptable. The surrounding neighbours would not be affected in terms of loss of light or overshadowing. The outbuilding is annotated as being a home office/games room and would be ancillary to the use of the main dwellinghouse. This is considered acceptable to ensure no adverse implications occur in terms of over-intensification of the site and a condition to this effect would be attached to any approval granted.

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

Design and Appearance

Part single, part two storey side extension:

DC1.4 of the UDP requires the creation of domestic extensions which are subservient to the main house, do not cause a terracing effect and must provide a 1.53 metre gap to the shared boundary. In order to avoid the terracing effect and to ensure that subservience to the original dwellinghouse is achieved. In this instance it would be difficult to leave a 1.53 metre gap to the boundary and create a viable side extension. As this element of the proposal would have a setback 2 metres from the primary elevation of the host property, it is considered to create a subservient feature and the roof of the proposal would be lowered than the roof of the host property. As such, the form of this element is considered acceptable, pursuant to Policy DC1.4 of the UDP.

Part single, part two storey rear extension:

The rear extension would have a projection of 4.5 metres at ground floor level and 3.65 metres at first floor level with a reduced width. Whilst the ground floor would exceed Policy DC1.3 of the UDP, Permitted Development rights including the Larger Homes Extension Route allow extensions larger in length. Further, the ground floor would benefit the use of the disabled resident. As such, the 4.5 metre projection is therefore considered acceptable. The length at first floor level would be compliant with Policy DC1.3 of the UDP and the reduced bulk ensures no adverse implications would occur.

Single storey rear outbuilding:

The outbuilding is not considered excessively large or bulky and is considered appropriate in form, pursuant to Policy DC1 of the UDP.

Materials:

Materials to be used would match the host property. 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

During the course of the application, the agent was asked to clarify the parking arrangements for the property. The agent via email confirmed it was not possible to park a space off street as there is only a width of 2.1 metres as existing. As such, the parking provision would not change as a result of the proposal and therefore be considered acceptable.

Bin Storage

Plans and supporting information detailed a bin store would be sited within the front amenity space. This is considered acceptable and the details provided would be conditioned accordingly within any approval granted.

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. 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 22 November 2023.

-Drawing- Proposed- Outbuilding and Bin Store Elevations, numbered Sheet 6, stamped as received by the City Council as Local Planning Authority on 22 November 2023.

-Drawing- Site Plan- Block Plan of the Site, numbered Sheet 7, stamped as received by the City Council as Local Planning Authority on 22 November 2023.

-Drawing- Proposed- Floor Plan, numbered Sheet 4, stamped as received by the City Council as Local Planning Authority on 14 December 2023.

-Drawing- Proposed- Elevations, numbered Sheet 5, stamped as received by the City Council as Local Planning Authority on 14 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 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 used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

5) The development hereby approved shall be carried out in accordance with 'Drawing- Proposed- Outbuilding and Bin Store Elevations, numbered Sheet 6', stamped as received by the City Council as Local Planning Authority on 22 November 2023 and 'Drawing- Proposed- Floor Plan, numbered Sheet 4', stamped as received by the City Council as Local Planning Authority on 14 December 2023, in relation to a secure and ventilated bin storage area. The bin storage area shall be implemented in accordance with the approved scheme and be in place prior to the first use of the development and shall be so maintained and retained at all times thereafter.

Reason - In the interests of the provision of off-street car parking, and the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

6) The detached outbuilding hereby approved shall only be used as ancillary accommodation in connection with the existing residential property 71 Yew Tree Road and for no other purpose.

Reason - In the interests of visual and residential amenity, pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

67 Yew Tree Road, Manchester, M14 7BJ
84 Yew Tree Road, Manchester, M14 7BL
65 Yew Tree Road, Manchester, M14 7BJ
90 Yew Tree Road, Manchester, M14 7BL
88 Yew Tree Road, Manchester, M14 7BL
86 Yew Tree Road, Manchester, M14 7BL
82 Yew Tree Road, Manchester, M14 7BL
Platt Lane Complex, Yew Tree Road, Manchester, M14 7UU
69 Yew Tree Road, Manchester, M14 7BJ
75 Yew Tree Road, Manchester, M14 7BJ
73 Yew Tree Road, Manchester, M14 7BJ

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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA