

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133350/FH/2022
Date registered valid: 29 March 2022
Proposal: Erection of single storey rear extension to create additional living accommodation
Address: 11 Argyle Avenue, Manchester, M14 5PX
Ward(s): Rusholme Ward

Applicant: Sibtian Abdil
Agent (if any): Mr Hassan Naqvi, Alphan Planning & Design
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 07 February 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 19 April 2022

Standard consultations:

Printed: 7 April 2022 Expired: 28 April 2022

Neighbour notifications

Printed: 7 April 2022 Expired: 28 April 2022

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: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a traditional mid-terraced dwellinghouse with combined original two storey rear outrigger and ground floor rear bay window measuring approximately 6.2 metres deep along the first floor and approximately 7.9 metres deep along the ground floor. The existing 2 storey outrigger retains a separation distance of approximately 1.4 metres from the common shared boundary with no. 9 Argyle Avenue, whilst the existing ground floor rear bay window retains a separation distance of approximately 2 metres from this boundary. The existing rear yard (when measured from the rear building line of the existing ground floor bay window) is approximately 4.3 metres deep x 5.3 metres wide and is elevated, incorporating a gated stepped access which connects to a rear alleyway. The boundary treatment between the application site and no. 9 Argyle Avenue comprises of concrete post and timber frame panel fencing ranging in-part from approximately 1.5 - 1.8 metres high.

Site History:

- 132607/FH/2021 - Erection of single storey rear extension to form additional living accommodation - APPROVED 02/22.

Description of development

The submitted plan relates to a proposed single storey rear extension to form additional living accommodation to serve as a shower room with toilet facility.

The agent was advised early on during the application process that there were significant concerns with the proposed development. Whilst there is a record of a planning consent for a similar proposal, (ref: 132607/FH/2021), in this instance, it is considered that given the contextual relationship along the side boundary (specifically, no. 9 Argyle Avenue), together with the proposed scale of built mass coming forward of the side boundary, combined with the proposed rearward projection along this boundary, including the introduction of a habitable room window along the side elevation would adversely impact on residential amenity, and therefore, the application could not be supported on the basis of these sets of plans. Correspondence was sent to the agent expressing the concerns relating to the proposal and requesting confirmation regarding how they wished to proceed with the application. The agent has advised that the application should be determined on the basis of the information available, (correspondence, dated 04/07/22). The proposal cannot be supported in its current form and therefore will be recommended for refusal.

The proposed single storey rear extension would be stepped-way from the existing rear boundary wall approximately 381mm and it would be sited along the common shared boundary with no. 13 Argyle Avenue, whilst leaving a gap of approximately 190mm from this boundary. It would then project approximately 3300mm deep along this boundary, then come forward of the common shared boundary with no. 9 Argyle Avenue approximately 3180mm wide, then return forward of the rear building line of the existing outrigger approximately 3927mm deep, whilst retaining a separation distance of approximately 2096mm from the common shared boundary with no. 9 Argyle Avenue. The proposed maximum height of the extension would not exceed 3711mm and it would incorporate a lean-to pitched roof with 2.no windows along the side elevation. It is intended to use materials matching those of the existing house.

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

No comments to make on this occasion.

POLICY

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

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

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only

to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

2. 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.

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

It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

- 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. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraph is of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

ISSUES

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and Visual Amenity

The submitted plan presents a number of concerns. Whilst there is site history in relation to an approved single storey rear extension, (ref: 132607/FH/2021), the approved width is significantly pulled away from the common shared boundary with no. 9 Argyle Avenue, whilst incorporating 1no. small obscurely glazed side facing window to serve a shower room with toilet facility. In this instance, the proposed extension would be much larger in footprint and the proposed width at approximately 3180mm would consequently involve the loss of the significant width of the existing rear yard area and thereby resulting in overdevelopment of the rear curtilage, which would adversely impact on the amenity of the existing and future occupiers of the application dwellinghouse.

In addition, although the proposed extension would broadly maintain the same width as the pre-existing rear ground floor bay window, it would be significantly deeper in terms of the proposed rearward projection. Whilst the proposed rearward projection would extend approximately 3300mm along the common boundary with no.13 Argyle Avenue - which is within guidance set out in saved UDP policy DC1.3 a) regarding rearward extensions; it will however extend approximately 3927mm deep along the common boundary with no.9 Argyle Avenue, and therefore it exceeds the guidance set out in saved UDP policy DC1.3 a), and is therefore contrary to this policy. It is therefore considered that the resultant overall mass of built form coming forward of and in such close proximity to the common shared boundary with no. 9

Argyle Avenue, together with a proposed 3927mm rearward projection along this boundary would be unduly overbearing and visually intrusive in terms of outlook from the neighbouring rear yard, which is contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

Moreover, with the proposed extension coming forward of the common boundary with no. 9 Argyle Avenue, coupled with the proposed side facing window to a habitable room would give rise to overlooking and would adversely impact on the privacy of the occupiers of no. 9 Argyle Avenue; contrary to policy DM1 of the Core Strategy and saved UDP policy DC1.

Conclusion

In this instance, although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that given the contextual relationship along the side boundary (specifically, no. 9 Argyle Avenue), coupled with the proposed scale of built mass coming forward of this boundary, combined with the proposed rearward projection at approximately 3927mm along this boundary, together with the introduction of a habitable room window along the side elevation would adversely impact on residential amenity; and therefore for these reasons and on balance, the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

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

In assessing the merits of the planning application officers have sought to work with the agent in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application; however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed extension by reason of its relationship along the common boundary with no. 9 Argyle Avenue, and the resultant mass of built form coming forward of and in such close proximity to the common shared boundary, together with a proposed 3927mm rearward projection along this boundary would create an overbearing, unsympathetic, visually intrusive feature in terms of outlook from the neighbouring rear yard to the detriment of the amenity of the current and future occupiers; contrary to policy DM1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed extension by reason of its relationship along the common boundary with no. 9 Argyle Avenue, coupled with the extension coming forward of and in such close proximity to the common shared boundary, together with the proposed habitable room window located along the side elevation would unduly overlook the rear yard area thereby impacting upon the privacy of the occupiers of no. 9 Argyle Avenue, resulting in the loss of amenity; which is contrary to policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of Manchester's Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

9 Argyle Avenue, Manchester, M14 5PX
12 Berkeley Avenue, Manchester, M14 5DN
Flat 3, 13 Argyle Avenue, Manchester, M14 5PX
Flat 2, 13 Argyle Avenue, Manchester, M14 5PX
Flat 1, 13 Argyle Avenue, Manchester, M14 5PX
Flat 2, 14 Berkeley Avenue, Manchester, M14 5DN
Flat 1, 14 Berkeley Avenue, Manchester, M14 5DN
13 Argyle Avenue, Manchester, M14 5PX
7 Argyle Avenue, Manchester, M14 5PX
8 Berkeley Avenue, Manchester, M14 5DN
10 Berkeley Avenue, Manchester, M14 5DN

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
Area Team Boundary - Name: NORTH