MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138361/FH/2023
Date registered valid:	17 November 2023
Proposal:	Erection of single storey side and rear extension to form additional living accommodation.
Address:	4 Chelmsford Avenue, Manchester, M40 2XB
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Miss Enuice Omogiate
Agent (if any):	Mr Chris Ram Healey Consulting
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**9 January 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 29 November 2023

Standard consultations:
Printed: 23 November 2023 Expired: 14 December 2023

Neighbour notifications
Printed: 23 November 2023 Expired: 14 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 4 Chelmsford Avenue within the north Manchester ward of Miles Platting and Newton Heath. The application site relates to a red brick, two storey, semi-detached dwellinghouse sat at the head of the cul-de-sac of Chelmsford Avenue. The property benefits from a large plot which is irregular in shape. At the time of the site visit, the amenity space consisted of a grassed garden except where land had begun to be dug for the proposed extension.

Description of development

The submitted application seeks planning permission for the erection of single storey side and rear extension to form additional living accommodation.

The single storey rear extension would be sited slightly away from the shared boundary with no.2 Chelmsford Avenue with approximate dimensions of Height: 3.6 x Depth: 5 x Width: 6 metres. The single storey side extension would wrap into the rear extension with approximate dimensions of Height: 3.1 x Depth: 6.2 x Width: 3 metres.

The proposal would create an additional living space and would involve the insertion of a door within the front elevation, two windows within the side elevation (one marked as obscure glazed) and three windows within the rear elevation.

Materials to be used throughout the proposal would match that of the host property.

Planning History

The current application amends the previous consent for the same form of development under 137666/FH/2023-Erection of single storey rear and side extension.
Approved 20 September 2023.
The current application involves the insertion of an additional window within the side elevation of the side extension and the removal of the skylight within the roof plane of the rear extension .
This amendment has been applied for using a Householder form to constitute a ‘free go’ prior to the changes to the planning fees.

Further planning history exists for this site:
137018/FH/2023-Erection of single storey rear extension.
Withdrawn 25 July 2023.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Environmental Health

Environmental Health were consulted on the application and requested the following be placed on any approval granted:
CONSTRUCTION HOURS
Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:
Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work

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).

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 CABE 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 single storey side and rear extension to form additional living accommodation. This is considered acceptable in principle as many people prefer to alter and adapt homes rather than move, to meet the changing

residential needs of families. 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 dwelling house, it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

Single storey rear extension:
The rear extension would have a rearward projection of 5 metres. This would be sited just off the shared boundary with no.2 Chelmsford Avenue. The neighbouring property has an existing large wooden structure extending much of the shared boundary. Whilst the proposal may result in a small amount of tunnelling as a result of the proposal to the neighbour's rear window, given the structure is single storey and light to the rear of the neighbouring property would be limited, any overshadowing/ loss of light is not considered to be severe. Furthermore, an extension of a smaller projection could still cause impact to the neighbouring property due to the neighbour's large wooden outbuilding sited along the shared boundary. As the applicant benefits from a large plot, a 6 metre distance would be retained from the rear extension to the rear boundary line. As such, no residents to the rear of the property are thought to be negatively impacted in terms of visual and residential amenity by the proposal, due to the single storey nature of the proposed extension.

Single storey side extension:
The side extension element of the proposal would wrap into the proposed rear extension and have a width of 3 metres. Given the large size of rear amenity space at the property, the proposal at the closest point would be sited 6 metres from the shared boundary with neighbouring property no.6 Chelmsford Avenue. This distance and given the structure is only single storey would ensure the proposal would not create an overbearing feature for the neighbouring occupiers. Furthermore , the occupiers of no.6 would not be impacted by any loss of light implications.

Two windows would be inserted in the side elevation of the side extension. One is marked as being obscure glazed and was approved previously under planning reference: 137666/FH/2023. Although the window would primarily look onto the side amenity space in connection with the applicant property, the obscure glazing would ensure no adverse privacy implications would occur to other properties. This is considered acceptable and would be conditioned within any approval granted.

The insertion of a second window within the side extension would look onto the side amenity space in connection with the applicant site and due to the oblique angle to the neighbour's boundary, it is not considered to give rise to any adverse overlooking implications, and it is not considered necessary to condition the window to be obscure glazed. In addition, a condition would be attached to any approval granted restricting the further insertion of windows and doors beyond those approved within this consent.

The side extension would be set back from the primary elevation of the extension by 6.4 metres. This would ensure the proposal is seen as a subservient addition to the property and therefore no adverse implications in terms of visual amenity would arise.

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

Design and Appearance

Single storey rear extension:
The rear extension would have a projection of 5 metres. As such, this would exceed the maximum projection specified under Policy DC1.3 of the UDP. However, since the publishing of the UDP, Permitted Development rights, including the Larger Homes Extension Route allow extensions larger in size. Given the spacious plot, the proposed 5-metre rearward projection is considered acceptable.

Single storey side extension:
The single storey side extension being set back substantially from the primary elevation of the host property would ensure the proposal would be viewed as a subservient addition. Although the wrap round element of the proposal could not be achieved through Permitted Development, a similar single storey side extension could be, and as such this element of the proposal is considered acceptable in size and form, pursuant to Policy DC1.3 of the UDP. Materials to be used throughout the proposal would match that of the host property. This is considered acceptable and a condition to this effect would be attached to 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.

Construction Hours

Environmental Health requested a construction hours condition be placed on any approval granted. However, this is considered onerous given the nature of the development and it is therefore not proposed to attach a condition in this regard.

Car Parking

Off street parking would be unaffected as a result of the proposal.

Bin Storage

Bin store provision would be unaffected by the proposal.

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 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

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 and appropriate conditions have been attached to any 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:
-Drawing- Proposed- Block Plan, stamped as received by the City Council as Local Planning Authority on 13 October 2023.
-Drawing- Proposed- Elevations, stamped as received by the City Council as Local Planning Authority on 13 October 2023.
-Drawing- Proposed- FP Roof Plan, stamped as received by the City Council as Local Planning Authority on 13 October 2023.
-Application Form, stamped as received by the City Council as Local Planning Authority on 17 October 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) Before first occupation, the window within the side elevation of the side extension closest to the primary elevation of the host property as shown on the approved 'Drawing- Proposed-Elevations', stamped as received by the City Council as Local Planning Authority on 13 October 2023, 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 properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the 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 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.

5) 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

5 Cravenhurst Avenue, Manchester, M40 2UX
6 Chelmsford Avenue, Manchester, M40 2XB
21 Elstree Avenue, Manchester, M40 2UL
3 Cravenhurst Avenue, Manchester, M40 2UX
1 Cravenhurst Avenue, Manchester, M40 2UX
2 Chelmsford Avenue, Manchester, M40 2XB
22 Elstree Avenue, Manchester, M40 2UL
11 Surbiton Road, Manchester, M40 2UY
9 Surbiton Road, Manchester, M40 2UY

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA