

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138941/FH/2024

Date registered valid: 3 January 2024

Proposal: Erection of a 2 storey side extension, a single storey rear extension incorporating a Juliet balcony, a front porch extension and installation of three rooflights, following demolition of existing detached garage, side extension, rear conservatory and front porch

Address: 44 Cherington Close, Manchester, M23 0FE

Ward(s): Brooklands Ward

Applicant: Ms Leda Kwan

Agent (if any): Ms Silvia Knowles, Silk Architecture

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

Recommendation: Approve

Date of recommendation: 29 February 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13th February 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 11 January 2024 Expired: 1 February 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 planning application is a brick built two storey semi-detached dwellinghouse. It has white Upvc cladding panels to the first floor of the front elevation, and a bowed bay window to the ground floor. There is a garden and driveway to the front of the property and gated access to the large wedge-shaped garden to the rear. This is somewhat overgrown given the obvious vacant situation of the property. There are allotments to the rear with the M60 motorway beyond that. It is located on the bend of the road and is identified as 44 Cherington Close in the Brooklands ward of the City.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature with properties of a similar size to the property at number 44 Cherington, and some have had the benefit of extensions.

Description of development

The proposal is for a two- storey side extension, a single storey rear extension with a Juliet balcony, and an extension to the porch on the front of the property. This is following the demolition of the free- standing garage to the side of the property, single storey side extension and the small conservatory to the rear. The extensions to the property together with the reconfiguration of existing accommodation would provide additional living accommodation in the form of bedroom, utility room, shower and open plan kitchen diner to the ground floor with bedroom and snug to the first floor. The extended porch would incorporate the area previously occupied by the bow bay window, which would be replaced by a new bay that forms part of the porch. This would square off the area to the front and would have a flat roof. The existing garage will be replaced by three in curtilage parking spaces.

Consultations & Notification Responses

Local Residents were informed -no representations have been received.

Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy 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.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

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.

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Principle - Extending a residential property through the introduction of a two- storey side and a single storey rear extension and a Juliet balcony in order to provide additional living accommodation is acceptable in principle, however, consideration must be given to the proposals siting, scale, design, appearance and impact upon both residential and visual amenity.

Residential Amenity

The proposal is for the erection of a two- storey side and single storey rear extension with a Juliet balcony together with an extension to the porch incorporating a new bay window. The proposal initially included a roof terrace on top of the single storey rear extension, however following advice given during negotiations between the officer and the agent, this has been removed from the proposal and replaced with a simple Juliet balcony.

The proposal features a two- storey side extension that would be set back marginally from the front and would have a slight set down from the ridge of the host property. It extends the full depth of the host property toward the rear garden, finishing at the existing rear building line. It projects sideways towards number 46 Charington Close, however there is still a very large gap retained to the common boundary due to their orientation. Given the properties position at the head of the cul-de-sac it sits on a wedge- shaped plot. The relationship between number 44 and number 46 Cherington means the properties sit on a wide splay with number 46 Cherington sitting far forward of number 44 Cherington Close. This therefore means that despite only having the slight set down and set back of the proposed two storey side extension, there is no possibility of a terracing effect, and any potential development gap is capable of being shared. To facilitate the two- storey side extension, the existing free-standing garage and single storey side extension is to be demolished. The materials would match those of the existing property.

The single storey rear extension extends the full width of the property including the additional width created by the two- storey side extension right up to the common boundary with number 42 Cherington Close. It would project from the rear of the property on a similar footprint of the neighbouring conservatory at number 42 Cherington Close. It would incorporate a set of sliding doors to serve the dining room and a set of patio doors serving the kitchen.

The neighbouring property at number 42 Cherington has a single storey rear conservatory, and the proposed single storey extension is of a similar rearward projection. There are no windows proposed in the side elevations with windows only being in the rear overlooking the applicants' own garden.

The Juliet balcony to the first floor affords no greater views into or out of the property than any standard window at that level. It is not considered therefore that either the single storey rear or two storey side extension would have a detrimental impact on the level of residential amenity currently enjoyed by the neighbouring properties. Therefore, the proposed development is considered to accord with saved policy DC1 of the UDP and Manchester Core Strategy Policies DM1 and SP1 and NPPF.

Siting, scale and massing

The size and footprint of the proposed two storey side and single storey rear extensions are relatively modest given the size of the site upon which the property is located and they are considered to be acceptable in terms of their size, scale and massing, and whilst a greater setback at the first floor had initially been requested, upon assessment the City Council as local planning authority determined that there were several precedents within the immediate area and agreed that the two storey side and single storey rear were considered acceptable as submitted.

The proposed porch is a simple design, incorporating a replacement bay window, giving a contemporary feel to the property frontage.

It is therefore considered that the proposed extensions are acceptable and are considered to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the two- storey side and single storey rear extensions together with the new front porch are considered acceptable, they are relatively modest, similar to other extended properties within the immediate area and are to be constructed in materials to match the existing property.

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.

Waste Management

Is not affected by the proposal.

Parking

The existing garage is to be demolished, however there will be three parking spaces proposed in curtilage.

Conclusion

The proposed two storey side and single storey rear extensions together with the porch extension to the property frontage are appropriate and are considered acceptable. The property has stood vacant for a long time from looking at its current condition, and it will be beneficial to bring good sized family property back into use. The proposals are relatively modest and of a design and materials palette that is acceptable.

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 / Agent in a positive and proactive manner in order to guide the application through all stages of the planning process and have resolved issues that have arisen whilst dealing with the planning application. The application has been determined in accordance with both national and local policies.

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:

010-Rev D proposed plans and elevations-received by email from agent 28th February 2024

015- Proposed site plan received 3rd January 2024

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 external facing materials to be used on the extensions hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale, this includes mortar and patching in.

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 and in the interests of the visual amenity of the area within which the site is located pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: 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 - 04 Rev B proposed ground floor plans and 06 Rev B proposed elevations received 27th December 2023

5) 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 part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

48 Cherington Close, Manchester, M23 0FE

40 Cherington Close, Manchester, M23 0FE

46 Cherington Close, Manchester, M23 0FE

42 Cherington Close, Manchester, M23 0FE

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

Green Belt Land - Green Belt Area (LDF)

Area Team Boundary - Name: SOUTH AREA