MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138468/FH/2023
Date registered valid:	3 November 2023
Proposal:	Erection of a two storey rear extension together with the installation of a dormer to side, associated elevational alterations and front and rear roof lights to provide additional living accommodation
Address:	33 Burnage Lane, Manchester, M19 2HZ
Ward(s):	Burnage Ward
Applicant:	Mr Eugen Lindner
Agent (if any):	Mr Justin Karl Keleghan, First Choice Extensions
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	30 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 November 2023

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 9 November 2023 Expired: 30 November 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: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a two storey detached dwellinghouse located along the junctions of Burnage Lane and Burnage Avenue. There is an existing single storey lean-to rear outrigger (approximately 2.3 metres deep), an outbuilding along the side garden - (along the common shared boundary with no. 35 Burnage Lane), including all round boundary treatment - approximately 1.8 metres high along the Burnage Avenue and rear elevations. There is gated access from the Burnage Lane and Burnage Avenue elevations. Within curtilage car parking is available along the front and side driveways, and wheeled bins are stored within curtilage, screened behind boundary treatment. The existing rear garden is approximately 10.1 metres deep (from the rear building line of the existing single storey lean-to outrigger) and the side garden (along Burnage Avenue elevation) is approximately 5.1 metres wide.

Description of development

The submitted plan relates to a two storey rear extension together with the installation of a dormer to side, associated elevational alterations and front and rear roof lights to provide additional living accommodation.

The initially submitted plan has been slightly revised in interest of design and revised plans subsequently submitted, (dated,18/12/23, 12/12/23). The revised plan would comprise of:

o The initially proposed cat slide dormer has been re-designed and would be replaced with a new pitched roof dormer.
o The proposed elevational alteration involving 1no. window along the front roof plane has been removed.
o Proposed elevational alterations involving windows along the roof plane of the existing dwellinghouse would now consist of 1no. window along the side roof plane (Burnage Avenue elevation); in addition to 1no. window along the rear roof plane.

In terms of the proposed two storey rear extension element, it would broadly maintain the same position as the existing lean-to rear outrigger. It would be flush with the side building line of the existing dwellinghouse (Burnage Avenue elevation), whilst maintaining a separation distance of approximately 3806mm from the side building line of the existing dwellinghouse (no. 35 Burnage Lane elevation). It would measure approximately 3350mm deep x 3350mm wide and would comprise of a pitched roof design with the proposed pitch of the roof set below that of the original house, including windows along the ground and first floor rear elevations. It is intended to use matching materials.

The proposed roof dormer would be centrally positioned along the side roof plane of the original dwellinghouse - (Burnage Avenue elevation) and would measure approximately, (2535mm wide x 3266mm deep x 2705mm maximum height). It would be set below the original roof ridge and above the eaves and would include 1no. window facing Burnage Avenue elevation. The proposed dormer would be clad in matching tiles.

The submitted proposal would also comprise of elevational alterations to the existing dwellinghouse. This would consist of 1no. window along the side roof plane (Burnage Avenue elevation); 1no. window along the rear roof plane; in addition to removal of and bricking up the existing door opening along the side elevation (Burnage Avenue elevation) and introducing a new door opening slightly further along this elevation.

Consultations & Notification Responses

Local residents/public opinion

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

Environmental Health

Environmental officers have advised for the following to be attached to any recommendation for planning permission:

- Contaminated Land* (Watching brief condition).

*Our records indicate that the proposal site is on or in the vicinity of an infilled pond / potentially contaminative historic land uses.

POLICY

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

1. The National Planning Policy Framework (NPPF), (July 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 8: Promoting healthy and safe communities.
- 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. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City 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 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. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 (Residential Extensions) is considered relevant.

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

- Chapter 2: Design

ISSUES

In this instance, the initially submitted plan has been slightly revised in the interest of design and revised plans subsequently submitted, (dated,18/12/23, 12/12/23).

Principle

The principle of the proposal to create additional living accommodation 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 (two storey rear extension together with the installation of a dormer to side) - In light of the revised plan, (dated,18/12/23, 12/12/23), the revised new pitched roof dormer replicates those opposite (the 3 and 4 storey block opposite) and the eaves are in-line with the proposed velux window along the side elevation, thereby creating an appearance of symmetry. Whilst the property opposite is considerably larger, a mix of 3 and 4 storeys, the pitch design of the revised dormer is more sympathetic to them and has been replicated to blend in with the street-scene. Moreover, the dormer is situated along a side street rather than primary highway and there are a number of mature trees that cloak the property/side elevation from the street. Furthermore, the proposed rearward projection of the two storey rear extension element at approximately 3350mm is within the guidance set out in the City Council's saved policy DC1.3 (a) regarding rearward extensions. Therefore, on balance, and subject to planning conditions, it is considered that the proposed development could be accommodated in this location in this instance as there are no overbearing, overshadowing, or loss of privacy impacts.

Impact of works (1no. window along the side roof plane; 1no. window along the rear roof plane; in addition to 1no. door along the side elevation) - In terms of the proposed

elevational alterations; given the fact that such works would generally fall within householder general permitted development and an application for planning permission would not be usually required for the nature of the property, given this fall back position, it is considered that this element of the submitted plan would be acceptable as it is unlikely to present any significant adverse impacts to residential or visual amenity.

Impact of works (Design and appearance) - In design terms the proposed development would reflect the characteristics of development in the area, and in terms of proposed materials, it is intended to use external facing materials in keeping with the original house, although a materials condition has been attached to ensure that materials are adhered to.

Impact of works - (Car Parking) - The existing arrangement would be unaffected.

Impact of works (Waste Management) - The existing arrangement would be unaffected, wheeled bins can still be stored within curtilage, significantly set-back from the frontage, screened behind the existing boundary treatment.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the revised proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies DM1, EN1, EN19 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 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 local residents comments or objections have been received in response to this application.

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 this instance, the initially submitted plan has been slightly revised in the interest of design and revised plans subsequently submitted, (dated,18/12/23, 12/12/23). The local Planning Authority in its decision has had due regard to the National Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. The local planning authority had no issues to raise with the agent but have 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 Local Planning Authority on 03 November 2023.

o PHOTOGRAPHS AND PHOTOMONTAGES, received by the City Council as the Local Planning Authority on 03 November 2023.

o The Location Plan with application site edged in red, Drawing No. 07, received by the City Council as the Local Planning Authority on 03 November 2023.

o Existing FLOOR PLAN/SECTION, Drawing No. 01, received by the City Council as the Local Planning Authority on 12 December 2023.

o Existing ELEVATIONS, Drawing No. 02, received by the City Council as the Local Planning Authority on 12 December 2023.

o Proposed FLOOR PLANS, Drawing No. 03, received by the City Council as the Local Planning Authority on 12 December 2023.

o Proposed FLOOR PLAN/SECTION, Drawing No. 04, received by the City Council as the Local Planning Authority on 12 December 2023.
o Proposed ELEVATIONS, Drawing No. 06, received by the City Council as the Local Planning Authority on 18 December 2023.

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 policy SP1, DM1 of The Manchester Core Strategy Development Plan Document (2012).

3) The materials used to construct the external elevations of the development hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing, and as stated on the submitted information and approved drawings.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of The Manchester Core Strategy Development Plan Document (2012).

4) The dormer extension hereby approve shall be clad in tiles matching those on the existing roof of the original dwellinghouse and as stated on the submitted information and approved drawings.

Reason - In the interest of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Manchester Core Strategy (2012).

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 windows or doors shall be inserted into the elevations of the development hereby approved other than those stated on:

o Proposed FLOOR PLANS, Drawing No. 03, received by the City Council as the Local Planning Authority on 12 December 2023.

o Proposed FLOOR PLAN/SECTION, Drawing No. 04, received by the City Council as the Local Planning Authority on 12 December 2023.

o Proposed ELEVATIONS, Drawing No. 06, received by the City Council as the Local Planning Authority on 18 December 2023.

Reason - In the interests of residential amenity, pursuant to saved policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of The Manchester Core Strategy Development Plan Document (2012).

6) Before first occupation of the development thereby approved, the proposed window along the first floor rear elevation to serve the annotated ("En-suite" room) and as shown on: Proposed FLOOR PLANS, Drawing No. 03, and proposed FLOOR PLAN/SECTION, Drawing No. 04, both received by the City Council as the Local Planning Authority on 12 December 2023 and Proposed ELEVATIONS, Drawing No. 06, received by the City Council as the Local Planning Authority on 18 December 2023, shall be opaquely 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 interests of privacy, pursuant to policy to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Core Strategy for the City of Manchester.

7) 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.

8) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety. Pursuant to saved policy of DC1 of the Unitary Development Plan for the City of Manchester and policy EN18 of the Manchester Core Strategy (2012)

*Our records indicate that the proposal site is on or in the vicinity of an infilled pond / potentially contaminative historic land uses.

Appendix 1 – List of consultees & neighbours notified

Apartment 35, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 34, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 33, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 32, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 31, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 30, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 29, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 28, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 27, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 26, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 25, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 24, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 23, 31 Burnage Lane, Manchester, M19 2HZ
Apartment 22, 31 Burnage Lane, Manchester, M19 2HZ
20 Burnage Lane, Manchester, M19 2HY
21 Burnage Hall Road, Manchester, M19 2LD
2 Tirza Avenue, Manchester, M19 2JY
4 Tirza Avenue, Manchester, M19 2JY
35 Burnage Lane, Manchester, M19 2HZ

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
Area Team Boundary - Name: SOUTH AREA