

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136103/FH/2023
Date registered valid: 11 November 2023
Proposal: Erection of part single, part two storey rear extension to form additional living accommodation
Address: 9 Nevada Street, Manchester, M13 9GQ
Ward(s): Ardwick Ward

Applicant: Mr Tekin Tosun
Agent (if any): Mr Mohammed Nasar Ishfaq, JAAN Architects Ltd
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 3 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 6 December 2023

Standard consultations:

Printed: 16 November 2023

Expired: 7 December 2023

Neighbour notifications

Printed: 16 November 2023

Expired: 7 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 / area

The application site is a modern - (circa 1960s), red brick, pitched roof, end of terrace dwellinghouse along a short row of five properties. The application site benefits from a modest size amenity space to the front (approximately 1.4 metres deep), side (approximately 88 centimetres wide) and rear elevation (approximately 7.7 metres deep), including boundary treatment.

The properties within the immediate area are densely populated and are of a similar appearance and materials to the proposal site.

Bushmoor Walk runs along the rear boundary of the application and is designed to be a shared space for both pedestrian and vehicular access. Due to the nature of the application property, there is no within curtilage car parking facility, although residents parking is available along Nevada Street.

The pattern of the housing layout between the application site and no. 20 Bushmoor Walk is broadly transposed; therefore, as a consequence of this pre-existing contextual relationship, the rear garden of the application site is aligned with the front garden of no. 20 Bushmoor Walk, whilst maintaining a separation distance of approximately 88 centimetres between the two properties.

Site History

- o No site history.

- o No pre-application advice was sought from the local planning authority in relation to this application.

Description of development

The submitted application proposes the erection of a part single, part two storey rear extension to form additional living accommodation.

Concerns have been expressed to the planning agent regarding the submitted plan. Whilst it has been advised that the principle of a single storey rear extension could be considered as acceptable in this location; however, in this instance, the resultant massing impact from the proposed first floor element would be unduly visually intrusive in terms of outlook along the first floor side boundary, from the immediate neighbouring front and rear gardens and along the Bushmoor Walk highway; coupled with the densely packed terraces with small rear gardens and therefore by introducing built form along the first floor would have a significant overbearing impact on the amenities of the neighbouring residential occupiers; particularly those occupiers at no. 7 Nevada Street and 20 Bushmoor Walk and along the Bushmoor Walk highway. As the planning application could not be supported on the basis of the information available, the agent was asked to confirm how they wished to proceed with the application, within specified timescales. No further correspondence has been received from the agent and therefore the application will be recommended for refusal.

The proposal along the ground floor would be flush with the side building line (gable elevation) of the application dwellinghouse, whilst being stepped-away from the common shared with no. 7 Nevada Street to leave a small gap from this boundary. This element would measure approximately 6039mm wide x 2962 mm deep x 3717mm maximum height. It would incorporate a flat roof design with French doors and 2no. windows along the rear elevation.

The proposed first floor element would also be flush with the side building line (gable elevation) of the application dwellinghouse, whilst retaining a separation distance of approximately 1924mm from the first floor common shared with no. 7 Nevada Street and would measure approximately 3985mm wide x 2962 mm deep. This element would have a combined pitch to hip roof design with the proposed roof ridge set below the ridge of the existing house, including 1no. window opening along the rear elevation. It is intended to use external facing materials to match 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

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

i. Contaminated Land (Watching brief condition).

ii. Gas membrane condition.

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:

- o 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:

- o Policy DM1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

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

- o Saved Policy DC1 for Residential Extensions.

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

- o Chapter 2: Design

ISSUES

Principle

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

Upon assessment of the submitted plan, there are several concerns. As previously stated, the pattern of the housing layout between the application site and no. 20 Bushmoor Walk is broadly transposed; therefore, as a consequence of this pre-existing contextual relationship, the rear garden of the application site is aligned with the front garden of no. 20 Bushmoor Walk, whilst maintaining a separation distance of approximately 88 centimetres between the two properties.

As a consequence of this pre-existing relationship, coupled with the densely packed terraced properties, the resultant massing impact from the proposed first floor element would be unduly overbearing and visually intrusive in terms of outlook along the first floor side boundaries, and

from the immediate neighbouring front and rear gardens, and along the Bushmoor Walk highway; which is contrary to policies EN1, DM1 of the Core Strategy and saved UDP policy DC1.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposed resultant overall mass of the combined built form projecting in such close proximity to the first floor side boundaries with no. 7 Nevada Street and 20 Bushmoor Walk, is considered to be unduly overbearing and visually intrusive in terms of outlook from the neighbouring properties and gardens and along the Bushmoor Walk highway, and therefore, the proposed development does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1, EN1 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 for these reasons, the application should be refused.

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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed first floor extension by reason of the resultant overall mass of built form coming forward of and in such close proximity to the first floor common shared boundaries with no. 7 Nevada Street and 20 Bushmoor Walk would create an overbearing and visually oppressive feature in terms of outlook from the neighbouring properties and gardens; contrary to the provisions of policy DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed first floor extension would create a visually intrusive feature in terms of outlook along the Bushmoor Walk highway; contrary to the provisions of policies DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

27 Bushmoor Walk, Manchester, M13 9GS
20 Bushmoor Walk, Manchester, M13 9FN
13 Bushmoor Walk, Manchester, M13 9GS
25 Bushmoor Walk, Manchester, M13 9GS
5 Nevada Street, Manchester, M13 9GQ
7 Nevada Street, Manchester, M13 9GQ
11 Nevada Street, Manchester, M13 9GQ

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 AREA