

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137913/FH/2023
Date registered valid: 24 August 2023
Proposal: Erection of part single, part two storey side extension, double storey rear extension, front porch; following demolition of existing garage
Address: 143 Victoria Avenue East, Manchester, M9 6HL
Ward(s): Charlestown Ward

Applicant: Mr. Mahmood Akhtar
Agent (if any): Mr. Niamat Ali, NA Design
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 2 November 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 September 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 18 October 2023 Expired: 28 October 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 413 Victoria Avenue East within the ward of Charlestown in north Manchester. The application site relates to a detached, two storey, red brick dwellinghouse with a hipped roof, white panelled gable with a cat slide formation and circular bay windows, built approx. 1930s. An attached single storey garage is sited close to the western boundary of the site and the property also benefits from a single storey outrigger to the side and rear of the property. Amenity space to the front of the property is characterised by an expansive driveway. Amenity space to the rear of the property consists of a large garden.

Description of development

The submitted application seeks planning permission for the erection of part single, part two storey side extension, double storey rear extension, front porch; following demolition of existing garage.

Plans have been amended from those originally submitted. The original scheme was for “the erection of double storey side and rear extension and front porch, with raising of roof height; following demolition of existing garage.” The original scheme gave rise to concerns in the form

of neighbour objections and concerns from the Local Planning Authority. Concerns were raised to the agent and revised drawings were received.

The amended proposal is as follows:

The part single storey side extension would be set 1 metre away from the western boundary of the site and have approximate dimensions of Height: 4 x Length: 8 x Width: 3.2 metres. The part two storey side extension would be set back from the primary elevation of the host property by 1.5 metres with approximate dimensions of Height: 8 x Length: 6.5 x Width: 3.2 metres.

The double storey rear extension would have approximate dimensions of Height: 8 x Length: 4 x Width: 9.8 metres.

The front porch would have approximate dimensions of Height: 3.7 x Length: 1.8 x Width: 2.9 metres.

The proposal would create a porch, study/bedroom, wet room, utility and kitchen/diner on the ground floor and three bedrooms, bathroom and en-suite on the first floor.

The proposal would involve the insertion of a door and two windows within the front elevation, six windows within the side elevations (two in the front porch and four in the side extension) and six windows and a set of sliding doors in the rear elevation. Four skylights would be inserted in the proposed roof of the extension.

A skylight would be inserted in the front elevation of the host property (not requiring consent).

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

Planning History

087120/FH/2008/N1- Erection of two storey side and rear extension to create additional living accommodation.

Refused- 20.08.2008.

Consultations & Notification Responses

Local Residents

Local Residents were consulted and objections were received (7 in total). The following concerns were raised:

- Imposing nature of the plans, overbearing due to the proposed raising of the roof level- The pitch of the front apex is steeper than the original, which will further increase the overbearing and imposing nature of the extensions.
- Overbearing feature caused by the size of the proposed two storey extension.
- Concerns regarding privacy- overlooking due to the raising of the roof and insertion of windows within the loft conversion.
- Concerns regarding light and loss of light into neighbours' rear windows and gardens.
- The proposal would be out of keeping with the style of properties in the immediate area and would cause adverse visual harm within the streetscene.
- The proposal would be out of keeping with neighbouring properties in terms of mass, scale and form and would not retain the detached nature of properties along Victoria Avenue East.
- Overlooking from the windows to be inserted in the side elevation of the proposal.

- Concern whether the property would continue in a Class C3 use or would be used as an HMO- extending from a 3 bedroom property to a 7 bed property- and potential impact to parking.
- Discrepancies with the plans.
- Disturbance, noise and dust from the construction period (not material planning consideration).

A re-notification was undertaken due to an amended description of development and revised scheme. Neighbour objections were received (4 in total). The following concerns were raised:

- Loss of light from proposed two storey side extension.
- Concern whether the property would continue in a Class C3 use or would be used as an HMO- extending from a 3 bedroom property to a 7 bed property- and potential impact to parking.
- The proposal would be out of keeping with neighbouring properties in terms of mass, scale and form and would not retain the detached nature of properties along Victoria Avenue East.
- Harm would be exaggerated by the property's already elevated position.
- Overlooking from the windows to be inserted in the side elevation of the proposal.
- Loss of light and privacy implications.
- The proposed rearward projection of the two storey rear extension does not comply with UDP Policy DC1.3 of the UDP.
- One neighbour raised concerns with inaccuracies with the existing drawings. The neighbour questioned whether the shed on the eastern boundary of the site was being retained as it was not shown on either the existing or proposed drawings.

Issues

POLICY

The National Planning Policy Framework (September 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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions

should promote public safety and take into account wider security and defence requirements.

ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

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); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

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).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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 CABI 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.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

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.

ISSUES

Principle of Development

The submitted application seeks planning permission for the erection of part single, part two storey side extension, double storey rear extension, front porch; following demolition of existing garage. Plans have been amended from those originally submitted.

The original scheme was for "the erection of double storey side and rear extension and front porch, with raising of roof height; following demolition of existing garage". The original scheme gave rise to concerns in the form of neighbour objections and concerns from the Local Planning Authority. Concerns were raised to the agent and revised drawings were received. Whilst the raising of the roof level was omitted from the amended scheme, the amended drawings still gave rise to adverse implications not acceptable to the Local Planning Authority. The agent was told the revised plans were not acceptable however wished for the application to be determined on the revised plans. A re-notification period for neighbours was undertaken, once again receiving neighbour objections. The agent was given the opportunity to withdraw the application however no instruction to withdraw the application was given.

The principle of development is not acceptable, as the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity and design and appearance.

As such, the rest of the report discusses why a refusal is recommended for the scheme, with neighbour objections listed above outlining similar concerns.

Visual/Residential Amenity

Whilst the front porch extension proposed is acceptable in terms of potential visual/ residential amenity implications, the rest of the proposal is not acceptable to the Local Planning Authority.

One neighbour noted the existing shed against the eastern boundary of the site is not shown on either the existing or proposed drawings. However, the shed is not relied on as part of the reason for refusal.

Part single, part two storey side extension:

Whilst the revised plans show a set back of the side extension by approx. 1.5 metres from the primary elevation of the host property, the proposed roof would not be lowered and would align with the roof height of the existing property. As such, from the front elevation and streetscene, the side extension would offer little sense of subserviency. By keying the new side extension roof into the host property, the roof design of the host property is altered. As such, the proposal is not viewed as an 'extension' and rather development which leads to alterations to the roof design and massing of the proposal. The proposal would therefore give rise to an incongruous feature in the streetscene, to the detriment of visual/ residential amenity.

As such, the form of the proposed side extension would create an overbearing feature to the neighbouring property, no.141 Victoria Avenue East. The neighbouring property benefits from windows within the side elevation on the first floor, which would feel additional built form closer than is currently the case, as well as windows and doors within the ground floor of the neighbour's garage. Whilst the proposal does offer a set back at first floor level, by not lowering the roof of the proposed design, it would result in a feature which is overbearing for the immediate neighbour.

Further, the application would involve the insertion of 4 windows within the side elevation of the proposed side extension. Whilst the windows are shown to be obscure glazed and top opening, the windows would be sited 1 metre against the shared boundary and look into the windows within no.141 Victoria Avenue East's side elevation. Although the windows being obscure glazed would not lead to direct overlooking, they would give the perception of being overlooked, especially with the quantity of 4 no. windows proposed. This would give rise to adverse residential amenity implications, contrary to Policy DC1.4 of the UDP.

Double storey rear extension:

The double storey rear extension would have a projection of 4 metres at both levels. No.141 Victoria Avenue East would feel the impact of the proposed side extension in combination with the 4 metre rearward projection, 1 metre from the common boundary. Whilst the agent has provided a 45 degree angle drawing for consideration, it is the view of the Local Planning Authority that the proposed rear extension so close to the boundary would be considered overbearing due to the size and scale of the proposal. The proposal would give rise to loss of light and overshadowing to the neighbouring property due to the orientation of the properties in the streetscene. Given there has been no reduction in the proposed rear extension nor further set in at first floor, the rear extension is considered overbearing to the neighbouring property.

Whilst the rear extension would be set further away from the eastern neighbouring property, no.145 Victoria Avenue East- by 2 metres- the proposal would still cause an overbearing and bulky feature against the shared boundary, to the detriment of residential amenity.

Design and Appearance

Whilst the materials proposed within the scheme would be considered acceptable given they would match those within the host property and therefore be sympathetic, the design of the side and rear extension is not considered acceptable.

Part single, part two storey side extension:

Whilst the proposed two storey side extension is considered to provide a sufficient set back from the primary elevation of 1.5 metres with a gap of 1 metre to the common boundary, the roof of the proposed side extension would give rise to concern in relation to design. As the roof has not been lowered, the extension does not read as an 'extension' and rather a change to the roof formation of the existing property. As such, this element of design is contrary to Policy DC1.4 of the UDP.

In turn, the roof arrangement of the extension alters how the existing property is read in the streetscene by creating a roof with a flat roof element with a much larger ridge width. This creates a proposal which is overbearing in scale and massing, especially at its elevated position off Victoria Avenue East. As such, this element of the proposal is considered contrary to Policy DC1.2 of the UDP.

Double storey rear extension:

The proposed two storey extension would be contrary to Policy DC1.3 by having a rearward projection of 4 metres, not 3.65 metres. Whilst it is acknowledged other routes for planning approval can provide larger extensions at ground floor, the 4 metres at first floor is particularly impactful, especially so close against the shared boundary with no.141 Victoria Avenue East. As such, this element of the proposal is considered excessively large and bulky in design, contrary to Policy DC1.2 of the UDP.

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

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, proactive and timely manner, but a revised scheme which overcame concerns raised was not received.

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

1)The erection of a part single, part two storey side extension would, by reason of the scale, position and design, be detrimental to the street scene and thereby to the visual amenity of the area: in particular because of the lack of subservience caused by the proposed roof height and as such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

2)The proposed part single, part two storey side extension, by reason of its scale, height and massing, in close proximity to the common boundary with the adjoining property, no.141 Victoria Avenue East would give rise to an overbearing feature close to the boundary. The proposed windows to be inserted within the side elevation facing no.141 Victoria Avenue East would give rise to a loss of privacy to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

3) The proposed double storey rear extension by reason of its scale, height, projection and massing, in close proximity to the common boundaries with the adjoining properties, in particular no.141 Victoria Avenue East would give rise to an overbearing feature. The proposal would give rise to loss of light/ overshadowing to no.141 Victoria Avenue East, to the detriment of visual/ residential amenity. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

122 Victoria Avenue East, Manchester, M9 6HF
10 Sidley Avenue, Manchester, M9 6HJ
145 Victoria Avenue East, Manchester, M9 6HL
141 Victoria Avenue East, Manchester, M9 6HL
12 Sidley Avenue, Manchester, M9 6HJ
124 Victoria Avenue East, Manchester, M9 6HF
147 Victoria Avenue East, Manchester, M9 6HL

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA