

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138835/P1AA/2023
Date registered valid: 15 December 2023
Proposal: Prior Approval for an upward extension to provide a third storey to form additional living accommodation
Address: 12 Landos Road, Manchester, M40 7HY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Gemma Hamilton
Agent (if any): Architecture On Demand Ltd
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 6 February 2024

Application details

Type of application: Prior Approval - Dwellings Storeys

Development type: Notifications

Date of site visit: 9 January 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 18 December 2023

Expired: 11 January 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

Listed building: Not applicable.

Conservation area: No

Tree Preservation Order: No

This application relates to a modern two storey semi-detached property. The property is of brick construction with a shallow dual pitch roof. There are no outriggers or extensions. There are gardens to the front, rear and side.

Description of area

This is a predominantly residential area. Similar style and design of semi-detached properties continue along the remainder of Landos Road in a south easterly direction. Facing the site across Landos Road are newer properties all of which are predominantly two storey brick build, with the exception of a pair of semi-detached properties that have higher roofs.

Description of development

Prior approval is sought to the addition of a second floor to the property. The extension would have matching windows to the first floor in the front and rear elevations and there would be no new windows in the side elevation.

The pitch of the roof would replicate that of the existing roof and the remainder of the semi-detached properties.

The neighbouring attached property no 10 Landos Road has also applied for an additional storey extension under planning reference number 138834/P1AA/2023. This application is still under consideration.

Consultations & Notification Responses

Local residents were consulted and no representations were received.

Issues

Policy

Rather than the City Council's policies the application is considered against the criteria set down in Class AA of Part 1 Schedule 2 of the GPDO.

Issues

Class AA Part 1 Schedule 2 of the GPDO

- Was the current building constructed between 1 July 1948 and 5 March 2018? - Yes
- Have additional storeys already been added to the original building (as it stood on 1 July 1948, or as built after that date; or, if 'Crown land', as it stood on 7 June 2006, or as built after that date)? - No
- Was the current use of the building as dwellinghouses only granted by virtue of permitted development rights under Schedule 1, Part 3, Class G, M, MA, N, O, P, PA or Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)? - No
- Is any part of the land or site on which the building is located:
 - in a conservation area; -No
 - in an area of outstanding natural beauty; -No
 - in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside; -No
 - in the Broads; -No
 - in a National Park; -No
 - in a World Heritage Site; -No or
 - in a site of special scientific interest; -No
- Will the proposed additional storeys only be constructed on the principal part of the building (i.e. the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition)? - Yes
- Would the floor to ceiling height, measured internally, of any proposed additional storey exceed:
 - 3 metres; or _no
 - the floor to ceiling height, measured internally, of any existing storey of the principal part of the existing building-No
- Would the proposed extended building's:
 - height exceed 18m (as measured from ground level to the highest part of the roof); orNo
 - roof be:
 - more than 3.5 metres higher than the highest part of the existing roof, where the existing building consists of one storey above ground level; or-No
 - more than 7 metres higher than the highest part of the existing roof, where the existing building consists of more than one storey above ground level. - No
- If the dwellinghouse is not detached, would the proposed extension result in the highest part of the roof exceeding 3.5 metres above either:

- the highest part of the roof of the building it is joined to (e.g. by party wall or adjoining main wall); - No or
- if in a terrace, the highest part of the roof of any building in the row it is situated - No
- Will the roof pitch of the principal part of the proposed extended dwellinghouse be the same as the roof pitch of the existing dwellinghouse? - Yes
- Will the development include a window in any wall or roof slope forming a side elevation of the building? - No
- Will the materials used in any exterior work be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse? - Yes
- Following the development, will the dwellinghouse be used within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse? - Yes
- Will any proposed engineering operations reasonably necessary to construct the additional storeys include:
 - provision of visible support structures on or attached to the exterior of the building upon completion of the development; - No or
 - anything other than works within the existing curtilage of the building to strengthen existing walls and foundations - No

Description of proposed works

The immediate area is predominantly made up of two storey properties and therefore any property with an additional storey would stand out. In this particular instance, the row of semi-detached properties are all of a certain type that appear uniformed within the row. Therefore, adding an additional storey that significantly increases the overall height of the building would be at odds with the host building and would appear incongruous and out of character with the area. As such the proposed development would conflict with condition AA.2 (3)(a) (ii)(aa) and (bb) of the order.

Furthermore, despite the occupiers of the neighbouring property submitting an application for the same scheme, the same issues in terms of detrimental impact on the character of the area contrary to condition AA.2 (3)(a) (ii)(aa) and (bb) of the order, still applies in this instance.

Impact on neighbouring dwellings.

In terms of privacy the proposed development in terms of separation distances and the positioning of the windows in relation to the surrounding properties. It is not considered that the development would result in any significant loss of privacy.

In terms of overshadowing there is some limited potential for the front and rear gardens to suffer some overshadowing although this is not considered to be significant. No windows to the properties would be affected.

Traffic and Defence Assets Impacts.

The proposed development would still meet the Council's requirements in terms of parking and there are no known defence assets in the area.

Protected Views

There are no protected views.

Conclusion

It is considered that the design of the proposed additional storey would have an unacceptable impact on the character of the area and the proposal therefore conflicts with the conditions attached to Class AA.

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

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

1) The proposed development fails to meet the requirements of condition AA.2 (3)(a) (ii)(aa) and (bb) of the Order as the external appearance of the dwellinghouse including the design and architectural features of the property would result in a development that is out of character with the adjacent properties and appear incongruous within the street scene when viewed within Landos Road.

Appendix 1 – List of consultees & neighbours notified

25 Landos Road, Manchester, M40 7HY
23 Landos Road, Manchester, M40 7HY
21 Landos Road, Manchester, M40 7HY
19 Landos Road, Manchester, M40 7HY
17 Landos Road, Manchester, M40 7HY
15 Landos Road, Manchester, M40 7HY
13 Landos Road, Manchester, M40 7HY
11 Landos Road, Manchester, M40 7HY
9 Landos Road, Manchester, M40 7HY
7 Landos Road, Manchester, M40 7HY
5 Landos Road, Manchester, M40 7HY
3 Landos Road, Manchester, M40 7HY
14 Landos Road, Manchester, M40 7HY
8 Landos Road, Manchester, M40 7HY
15 Smallridge Close, Manchester, M40 7JZ
16 Landos Road, Manchester, M40 7HY
10 Landos Road, Manchester, M40 7HY
6 Landos Road, Manchester, M40 7HY
4 Landos Road, Manchester, M40 7HY
2 Landos Road, Manchester, M40 7HY
12 Oldbury Close, Manchester, M40 7JL

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA