

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137069/FH/2023

Date registered valid: 24 May 2023

Proposal: Retention of two storey side and single storey rear extension to provide additional living accommodation

Address: 63 Elsdon Road, Manchester, M13 0TN

Ward(s): Rusholme Ward

Applicant: Mr Shakeeb Mustasum

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 July 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 6 July 2023

Standard consultations:

Printed: 26 June 2023 Expired: 17 July 2023

Neighbour notifications

Printed: 26 June 2023 Expired: 17 July 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



Photograph 1 Front and Elevation as viewed from the corner of Elsdon Road and Hall Lane

This application relates to a two storey semi detached property located at the junction of Elsdon Road and Old Hall Lane. The site is broadly triangular with a small rear garden and larger gardens to the front and side. The property as built was a simple box with a hipped roof. There are no outriggers or leans to extensions. On the front elevation there is a full width canopy and a bay window at ground floor level.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominance residential area. The other half of the semi is to the north there is a large single storey rear extension constructed under the larger homes provisions of the GPDO. To the south is the side garden of a residential property facing Old Hall Lane. Facing the site across Elsdon Road are the side gardens of properties fronting Elsdon Road and Old Hall Lane. Across Old Hall Lane are further two storey residential properties. The tip of the rear garden adjoins the rear gardens of properties on Beresford Road.

Description of development

The applicant seeks to retain the two storey side and single storey rear extension to provide additional living accommodation

Consultations & Notification Responses

Notification letters were sent to the address listed in appendix 1. A summary of the comments received are as follows:

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

High Speed Two (HS2) Limited - Unlikely that the foundations required to construct the proposed development will affect HS2 works in that location.

Issues

Planning History

Planning Applications

Application Reference and Status	Description of works
123133/FH/2019 Recv: 26.03.2019 Application Approved - 21.05.2019	Erection of a two storey side and single storey rear extension to provide additional living accommodation.
132710/FH/2022 Recv: 18.01.2022	Erection of a two storey side and single storey rear extension to provide additional living accommodation

Application Refused - 15.03.2022	
133449/FH/2022 Recv: 06.04.2022 Declined to determine application - 30.05.2022	Erection of a two storey side and single storey rear extension to provide additional living accommodation

Enforcement Notices

Case Reference	
ENF/15287/21 Issued 10.03.2022	Without planning permission, the erection of a two-storey side extension and a single storey rear extension.

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF)

The Principle – Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of a two storey side and single storey rear extension was established under the original application at this address under planning reference: 123133/FH/2019.

An Enforcement Notice was issued on the 10 March 2022 following a complaint that the development at the property had not been built in accordance with the approved drawings.

Planning permission was sought again under planning reference: 132710/FH/2022 under the same description, to regularise the changes to those approved under the original application. The differences included a shallow mansard roof that was hipped to the two storey side, elevational alterations to windows at the front and an addition to the single storey rear which increased the width of the extension so that it adjoined the two storey side. The ground floor was painted grey whilst the first floor was constructed in a brick that was considered not to match the brickwork original property. The application was subsequently refused in March 2022.

A further application was submitted under planning reference 133449/FH/2022, however this application in accordance with Section 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, declined to determine the application. The report concludes that as the Council had already deemed the development to be unacceptable and have taken formal action to require the removal/modification of the extensions, any approval of the matters presently before the Council will be in direct contradiction to those decisions previously made.

Therefore, pursuant to Section 70C of the Town and Country Planning Act 1990, the Council declined to determine the application

The purpose of the latest application is seeking to rectify some changes to the appearance of the proposal; however, it is now in terms of scale, massing and generally appearance is similar to the application and drawings approved in 2019.

Matters that will require consideration, in order to assess the acceptability of this proposal will be the impact on visual and residential amenity.

These will be discussed below.

Visual and Residential Amenity - The building occupies a prominent position at the junction of Elsdon Road and Old Hall Lane with the gable clearly visible from Old Hall Lane. The peculiar semi mansard roof design which was previously considered to be an inappropriate design feature (reference: 132710/FH/2022) has now been replaced with a full hipped roof as per approved the original planning permission reference; 123133/FH/2019.

Secondly the single storey side/rear extension has been demolished and therefore the overlooking and impact on privacy issue this caused because of the ground floor window located next to the shared boundary with the property on Hall Lane has been removed.



Photograph 2 Side and rear elevations as viewed from Hall Lane

On the front elevation at ground floor level the window as installed is of similar proportions to those used original dwellinghouse this is improvement to the as built 2022 application (see photograph 3) as the ground floor window was smaller than the rest of the windows and did not aesthetically appear correct and detracted from the appearance of the building.

The grey paint has been removed and the front of the property and replaced with a more suitable colour to give a more uniform appearance that suits the character of the property (photograph 1).



Photograph 3 Site Photo taken for application reference: 132710/FH/2022

Additionally, the applicant is seeking to dye the bricks to better match those of the original dwellinghouse at the side and rear of the property, it is recommended that a conditions is attached to ensure that the dying process is acceptable in terms of visual amenity.

A dormer roof has been added to the rear roofspace, the cheeks and rear elevation giving a similar visual appearance to the modern grey roof tiles. Furthermore, the dormer does not dominate the roofspace, as it is located below the ridge height and therefore cannot be seen from the principal elevation. However, it is acknowledged due to the corner position of the plot there are some limited views from Hall Lane.

As large part of the side and rear gardens has been developed, this has resulted in a loss of useable outdoor amenity space for the current and future occupiers. Further development within the garden areas will further reduce the outdoor amenity space, it is therefore recommended that a further condition is attached to ensure that no outbuildings such as garages or shed or other means of enclosure are built or installed without being subject of a planning application.

Subject to the adequate dying of the bricks as conditioned, the proposal is considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

Car Parking – There is no impact on the current parking arrangements.

Refuse Storage – There is no impact on the current refuse storage as it can still be adequately stored within the site.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing Numbers 101, 102 and 103.

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.

2) a) Within three months of the date of this permission a sample panel of treated brickwork shall be prepared on site and shall be inspected by the Local Planning Authority. For the avoidance of doubt the sample panel shall be on the upper floor of the rear elevation immediately adjacent to original brick.

b) Any required changes following the inspection shall then be carried out within a further one-month period and again inspected by the Local Planning Authority; those changes shall continue until the final finish of the sample panel has been inspected and agreed.

c) The agreed final finish shall then be approved in writing by the Local Planning Authority and the remainder of the brickwork to the rear and side elevations of the extensions shall then be finished in accordance with the agreed details within a further 12-month period.

Reason - In the interests of visual amenity and to protect the character of the residential area, pursuant to Policies DM1 in the Manchester Core Strategy.

3) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification, no outbuildings or enclosures (Class E) shall be erected without planning permission being granted by the Local Planning Authority.

Reason - In the interests of residential amenity, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that the application site falls near land that may be required to construct and/or operate Phase 2b of a high speed rail line from Crewe to Manchester (Western Leg), known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. In addition as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme. More information can be found at: <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fororganisations%2Fhigh-speed-two-limited&data=05%7C01%7Cplanning%40manchester.gov.uk%7C82f27d686c5843b9aad008db7bd096cd%7Cb0ce7d5e81cd47fb94f7276c626b7b09%7C0%7C0%7C638239908036828265%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ZUYUiTV9u7jm7z7o4nOL7Bi%2BRnRTHUtDwaEVjfZX3Hw%3D&reserved=0>

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

39 Old Hall Lane, Rusholme, Manchester, M13 0TH
24 Old Hall Lane, Rusholme, Manchester, M13 0TL
35 Old Hall Lane, Rusholme, Manchester, M13 0TH
61 Elsdon Road, Manchester, M13 0TN
26 Old Hall Lane, Rusholme, Manchester, M13 0TL
154 Beresford Road, Manchester, M13 0TF
156 Beresford Road, Manchester, M13 0TF
37 Old Hall Lane, Rusholme, Manchester, M13 0TH

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 - Surface Coal Resources - Name: Coal bearing strata at surface
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: SOUTH AREA