

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138003/FH/2023

Date registered valid: 27 September 2023

Proposal: Erection of part single, part two storey side extension and first floor rear extension with the creation of a rear roof dormer

Address: 28 Cardinal Street, Manchester, M8 0PS

Ward(s): Cheetham Ward

Applicant: Mr Altaf Latif

Agent (if any): Mr Amjad Tahir, AFR Studio Ltd

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 November 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 October 2023

Standard consultations:

Printed: 28 September 2023 Expired: 19 October 2023

Neighbour notifications

Printed: 28 September 2023 Expired: 19 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 28 Cardinal Street within the north Manchester ward of Cheetham. The application site relates to an end-terraced, red brick, two storey dwellinghouse. The applicant property benefits from amenity space in the form of a courtyard to the front bounded by a low brick wall, and a temporary garage/storage structure built up to the southern boundary of the site. Amenity space to the rear of the property is limited as the existing rear extension (see planning ref: 078665/FH/2006/N1), encompasses the majority of the rear amenity space. The property looks onto a shared alleyway for neighbours along Cardinal Street and the Smedley Lane playing fields.

Description of development

The submitted application seeks planning permission for the erection of part single, part two storey side extension and first floor rear extension with the creation of a rear roof dormer.

Plans have been amended from those originally submitted. The original proposal sought permission for the “erection of part single, part two storey side extension and first floor rear extension with the creation of a rear roof dormer and first floor balcony”. The proposal was not acceptable for several reasons and overall was considered excessively large and bulky contrary

to Policy DC1.2 of the UDP and the side extension failed to comply with Policy DC1.4 of the UDP. Plans were amended to address the Local Planning Authority's concerns and the first floor balcony was omitted from the plans. The plans are considered acceptable and form the basis for the assessment within this report.

The part single storey side extension would be sited against the southern boundary of the site with approximate dimensions of Height: 3.6 x Length: 8.6 x Width: 2.7 metres. The part two storey side extension would have a set back from the primary elevation of the host property by 2 metres and therefore have dimensions of Height: 6.8 x Length: 6.6 x Width: 2.7 metres.

The first floor rear extension would sit on top of the existing rear extension (see planning ref: 078665/FH/2006/N1) with dimensions of Height: 6 x Length: 1.7 x Width: 7 metres. This element of the proposal would wrap into the proposed part two storey side extension.

A rear roof dormer would be created which would sit on the roof of the host property and have approximate dimensions of Height: 2 x Length: 4 x Width: 5.6 metres.

The proposal would create a living room and study room on the ground floor, on the first floor would create two bedrooms and an enlarged additional bedroom and on the newly created second floor would create a further bedroom, store and toilet.

The proposal would involve the insertion of a window and skylight within the front elevation of the proposal and four windows within the rear elevation of the proposal. Two skylights would be inserted in the primary roof plane of the host property.

Materials to be used throughout the proposal would match those of the host property, except the use of a flat roof for the proposed roof dormer.

Planning History

078665/FH/2006/N1- Erection of single storey rear extension. Approved 5 June 2006.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Environmental Health

Environmental Health were consulted on the application and asked for the following condition be placed on any approval granted:

GAS01 (3) New applications for extensions

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

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
- b) a social objective and
- c) an environmental objective.

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

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed places.

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), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

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.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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.

The following policies are relevant:

- i.JP- S1- Sustainable development
- ii.JP- S2 – Carbon and energy
- iii.JP- S5 – Flood risk and the water environment
- iv.JP- H1 – Scale, distribution and phasing of new housing.

ISSUES

Principle of Development

The submitted development application is for the erection of part single, part two storey side extension and first floor rear extension with the creation of a rear roof dormer. This is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

Part single, part two storey side extension:

The side extension would be sited against the shared boundary with the southern neighbour, no.26 Cardinal Street. At the time of the site visit, a gap existed between the boundary of the applicant property and the built form of no.26. A planning application has been submitted for no.26 Cardinal Street under planning ref: 138022/FH/2023 (erection of two storey side and part single, part two storey rear extension to form additional living accommodation), however no decision on this application has been made. As no windows have been inserted in the side elevation of the development, no adverse privacy implications would occur for no.26 Cardinal Street. In addition, a further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent. Given the position of the side extension, impacts to the neighbour would be limited. The two metre set back of the proposal at first floor level from the primary elevation of the host property ensures a sense of openness is retained between the two properties, to not give rise to adverse amenity implications.

First floor rear extension:

The first floor rear extension would have a projection of 1.7 metres and extend past the existing side elevation of the host property extending up to the southern boundary of the site. This element of the proposal would sit on the existing single storey rear extension which encompasses much of the rear amenity space. The rear of the properties along this part of Cardinal Street are characterised by small courtyards which have an outlook onto the Smedley Lane Playing Fields. The first floor extension would be sited 1.7 metres away from the adjoining neighbour no.30 Cardinal Street. Given the applicant property would sit to the south of the neighbouring property, the set in and small projection of 1.7 metres is considered to minimise the impacts to no.30 Cardinal Street. Any loss of light as a result of the proposal would be considered acceptable, given the neighbouring property benefits from no open amenity space to the rear. All the neighbour's rear amenity space is covered by single storey extensions.

The first floor rear extension would be sited against the shared boundary with no.26 Cardinal Street. Given the orientation of the properties, the neighbour would not experience any loss of light implications from this element of the proposal, nor any adverse privacy implications. Given this element of the proposal would extend only 1.7 metres in length and the neighbouring property does not benefit from a large rear amenity space, it is not considered to create an overbearing feature to the neighbour.

There would be no neighbours to the rear to be impacted by the proposal, given the extension would look onto the Smedley Lane Playing Fields.

Creation of a rear roof dormer:

As the rear dormer would not include the insertion of windows to the side elevation, the dormer would not give rise to any privacy or overlooking implications to those properties either side. There would be no neighbours to the rear to be impacted by the dormer, given the extension would look onto the Smedley Lane Playing Fields. The proposal would not give rise to overshadowing or loss of light implications.

The ridge height of the dormer is no higher than the existing and the dormer does not project further than the roof plane. It is considered to be an acceptable addition to the roof of the property. As such, the dormer is not considered to be a detrimental or overpowering feature to the property.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

Part single, part two storey side extension:

DC1.4 of the UDP requires the creation of domestic extensions which are subservient to the main house, do not cause a terracing effect and must provide a 1.53 metre gap to the shared boundary. In order to avoid the terracing effect and to ensure that subservience to the original dwellinghouse is achieved. In this instance it would be difficult to leave a 1.53 metre gap to the boundary and create a viable side extension. As such, the plans were amended to include a 2 metre set back at first floor level of the side extension from the primary elevation of the host property. This is considered adequate to ensure the property is viewed as a subservient feature and would not give rise to a terracing effect. As such, the form of this element is considered acceptable, pursuant to Policy DC1.4 of the UDP.

First floor rear extension:

The extension with a projection of 1.7 metres would be considered pursuant with Policy DC1.3 of the UDP. The form of the extension is not considered to create an overbearing feature at the property and is considered appropriate given the constrained nature of the applicant's rear amenity space.

Creation of a rear roof dormer:

The rear dormer respects the shape of the existing property and is considered acceptable. The dormer would be similar to numerous dormers in the immediate area, including no.28 Cardinal Street. A similar structure could have been obtained through the route of Permitted Development.

Materials:

Materials to be used would match those within the host property, except the use of the flat roof for the rear roof dormer. This is considered acceptable and would be conditioned accordingly within any approval granted.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Gas Membrane Condition

Environmental Health requested a gas membrane pre-commencement condition be attached to any approval granted. The condition was sent to the agent on 9 October 2023. No response was given, however the condition would be attached to any approval granted.

Car Parking

No off street parking is provided as existing and as such, no changes would occur as a result of the proposal.

Bin Storage

No change to bin store arrangements would occur.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area and the amended design is considered to overcome issues raised.

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 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 and proactive manner and an amended scheme, which is considered to overcome concerns, has been submitted. Appropriate conditions have been attached to the approval granted.

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:

-Drawing- Proposed- Floor Plans, numbered DR-05, stamped as received by the City Council as Local Planning Authority on 14 November 2023.

-Drawing- Proposed- Elevations, numbered DR-06, stamped as received by the City Council as Local Planning Authority on 14 November 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing, except the material for the proposed flat roof dormer extension.

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

5) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

29 Cardinal Street, Manchester, M8 0PS
25 Cardinal Street, Manchester, M8 0PS
26 Cardinal Street, Manchester, M8 0PS
23 Cardinal Street, Manchester, M8 0PS
32 Cardinal Street, Manchester, M8 0PS
30 Cardinal Street, Manchester, M8 0PS
27 Cardinal Street, Manchester, M8 0PS

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
Area Team Boundary - Name: NORTH AREA