MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137696/FH/2023
Date registered valid:	7 September 2023
Proposal:	Erection of single storey rear extension.
Address:	31 Falshaw Way, Manchester, M18 7TG
Ward(s):	Longsight Ward
Applicant:	Mrs. Humaira T. I. Begum
Agent (if any):	Mr. Niamat Ali NA Design
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	31 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 September 2023

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 11 September 2023 Expired: 2 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:

Tree Preservation Order:

Description of site / building / area

The application relates to a modern two storey, red brick , pitched roof, mid-terraced dwellinghouse with accommodation in the roofspace and a roof dormer to the front roof slope and velux style windows in the rear roof slope. It is centrally located within a short row of three houses in a predominantly residential area. There is existing amenity space to the front and rear of the dwellinghouse. The existing boundary treatment comprises of metal railings along the front elevation - (approximately 1 metre high). The rear boundary treatment comprises timber frame panel fencing along the perimeter. A shared rear access/footpath which runs along the rear boundary of no. 29 Falshaw Way and is (approximately 1.8 metres high). The shared rear access/footpath along the rear boundary of no. 29 Falshaw Way connects to a resident's car park, and enables bins to be taken out to the collection point on Falshaw Way. The existing rear garden is approximately 11.66m in depth and north easterly facing. The rear elevation of the application dwellinghouse faces the blank side gable elevation of no.8 Salwick Way.

Site History:

- 137067/PDE/2023 - Prior notification of proposed larger home extension projecting 4m to the rear, with a maximum height of 3.7m and a height at eaves of 2.8m - REFUSED 07/23

Description of development

Consent is sought for the erection of a single storey rear extension which would be stepped away approximately 140mm from the common shared boundaries with nos. 29 and 33 Falshaw Way whilst leaving a small gap from these boundaries. The proposed single storey rear extension would measure approximately (4600mm wide x 3650mm deep x 3434mm maximum height) whilst incorporating a lean-to pitch roof configuration, with 2no. windows within the roof slope, including 1no. window and French doors along the rear elevation. It is intended to use matching materials.

Consultations & Notification Responses

1. Local residents
Occupiers of properties surrounding the application site were notified of the proposal. Four objections from local residents (2 from one address, and 2 from another address on Falshaw Way) on the following grounds:

- The proposed development is not different from the previous application .
- The proposal would lead to the loss of light to adjoining dwelling houses, which would adversely affect their quality of living. Furthermore, as the house does not face south this extension would obstruct most of the light coming into their house, and the levels of sunlight in their kitchen was a reason for their house purchase, and if the proposed extension has been in place, they would not have considered buying their dwellinghouse. The building of the proposed extension would lead to a reduction of daylight to a level where they will need t have lights switched on for most of the day .
- They will not allow their property to be used as access to enable the construction of the proposed development.
- It will take away views from the rear of their house.
- They just bought a house (so they bought this with intention of extending) and they had a chance to buy somewhere else a bigger house instead of taking their light from the garden, also from their neighbours.

2. Environmental Health

Environmental Health recommend the attachment of a condition relating to the installation of a proprietary gas membrane , and that a Completion/Verification Report is submitted upon completion of the works. Furthermore that proposed measures do not compromise any existing remedial measures previously installed at the site as part of Planning Permission 079575/FO/2006/N2.

They also recommend that an informative is attached to any approval relating to a contaminate land watching brief.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (September 2023):

- Chapter 8: Promoting healthy and safe communities.
- 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.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

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

3. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 for Residential Extensions.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:

- Chapter 2: Design

ISSUES

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey rear extension) - The site history indicates a recent refused Application to determine if prior approval is required for a proposed: Larger Homes Extension - (reference no. 137067/PDE/2023) for a rearward extension 4m in depth.

A full householder application has subsequently been has been made in this instance, due to the difference in the criteria for consideration.

Impacts have been assessed in relation to the proposed extension and neighbouring dwellings in regard to residential and visual amenity. It is considered that in light of the existing boundary treatment which comprises 1.8m high wooden panels set in concrete posts to no.33 Fanshaw Way and 1.8m wooden fencing to the boundary with no.29 Falshaw Way any impacts in regard to massing would be limited to between 0.5m to 2.6m of the proposed single storey extension visible above the fencing. The proposed extension would be 2.3m to eaves and 3.4m to the top of pitched roof .

Windows and door opening are only prosed in the rear elevation of the proposed single storey extension thereby reducing the potential for loss of privacy and overlooking.

The proposed rear extension would be 3.65m in depth, which given the overall length for the existing rear garden would enable 8m of rear garden area to the retained. It is also intended to step the extension away from the common shared boundaries with nos. 29 and 33 Falshaw Way by approximately 140mm, whilst leaving a small gap from these boundaries.

Concerns raised in relation to loss of light have been noted , however as the rear garden in north east facing , any loss of light would not be significant for the reasons outlined above in relation to massing.

As the proposal would be single storey , significantly screened by the existing boundary treatment, would not give rise to any undue massing along the side boundaries; it is considered that there would not be a significant adverse impact from the proposed development in regard to overbearing, overshadowing, or loss of privacy. Moreover, the overall proposed rearward projection of the extension at 3650mm, is in line with the guidance set out in saved UDP policy DC1.3(a) regarding rearward extensions; and therefore, on balance, and subject to planning conditions, it is considered that the proposal could be accommodated in this location in this instance.

Impact of works (Design and appearance) - In design terms, it is not considered that the proposal would unduly harm the character of the building or the general area. The proposed extension would be informed by the existing dwellinghouse and similar developments along the immediate street scene. It is also intended to match materials with that of the existing dwellinghouse. However, a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (Car Parking) - The existing arrangement would be unaffected.

Impact of works (Waste Management) - The existing arrangement would be unaffected.

Objectors' comments - In terms of planning comments raised by the objectors, these have been duly considered in the issues section above. Comments relating to access to enable construction are civil matters, and therefore cannot be considered as part of this planning application.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 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).

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 polices 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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, the local planning authority had no issues to raise with the agent but have attached appropriate conditions to the approval.

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:

- Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 27 July 2023.
- Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 27 July 2023.
- Proposed Site Plan with application site edged in red, and Existing and Proposed Ground Floor Plans, DRAWING No. NA-B01, received by the City Council as the local planning authority on 07 September 2023.
- Existing and Proposed Elevations, DRAWING No. NA-B02, received by the City Council as the local planning authority on 07 September 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

3) The external facing materials to be used on the extension hereby permitted shall match those of the primary dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

4) a) 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.

Any development hereby approved shall not compromise any existing remedial measures previously installed at the site as part of Planning Permission 079575/FO/2006/N2.

b) Upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to ensure that the existing remedial measures have not been compromised.

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. The existing development has had remedial measures installed as part of Planning Permission 079575/FO/2006/N2. The current works shall not compromise the protection afforded by these earlier measures, pursuant to policy EN18 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City Manchester (1995).

5) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on: Proposed Site Plan with application site edged in red, and Existing and Proposed Ground Floor Plans, DRAWING No. NA-B01, together with Existing and Proposed Elevations, DRAWING No. NA-B02, both received by the city council as the local planning authority on 07 September 2023.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Core Strategy for the City of Manchester (2012).

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Informative

1) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

8 Salwick Way, Manchester, M18 7TT
6 Salwick Way, Manchester, M18 7TT
14 Falshaw Way, Manchester, M18 7TG
33 Falshaw Way, Manchester, M18 7TG
29 Falshaw Way, Manchester, M18 7TG
12 Falshaw Way, Manchester, M18 7TG
11 Cardrona Street, Manchester, M18 7TH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA