

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136449/FH/2023

Date registered valid: 12 April 2023

Proposal: Part retrospective application for the erection of a single storey front and side extension

Address: 245 Kingsway, Manchester, M19 2NB

Ward(s): Burnage Ward

Applicant: Mr T Saddique

Agent (if any): Philip Holmes, PHA Architects Ltd

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 November 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 7 August 2023 Expired: 21 August 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

The application relates to a semi-detached dwellinghouse. There are no planning records relating to the property. However, dwellinghouse appear to have a single storey rear extension at the rear. The brickwork forming the elevations of the house have been painted white. The roof comprises red tiles.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The dwellinghouse is located within a predominantly residential area to the east of Kingsway. However, to the south of Kingsway, is a petrol filling station, a day nursery and other commercial properties. To the south of the dwellinghouse is the former Burnage Cricket Club site.

Description of development

Consent is sought for the erection of a single storey porch (part built) to the front elevation of the house, together with the erection of a single storey side extension. A door is proposed in the rear elevation, with a rectangular bay window to the front elevation. The side elevation would be a blank gable.

The scheme would also involve the substitution of the ground floor windows on the front elevation of the house with rectangular bay windows to replicate the window design in the front façade of the proposed extension.

Consultations & Notification Responses

Notification letters were sent to local residents on 24th May 2023, and then again on 7th August 2023, following the submission of revised plans.

Local residents - 3 objections from 1 address, and 1 objection from 1 address on Burnside Drive, 2 from 3 Kingsway addresses and 1 from a resident on Orville Drive were received in regard to the originally submitted scheme from local residents on the grounds of :-

- The partially built structure being out of character with the adjacent dwellinghouses and the character of the local area.
- Loss of light to the neighbouring property.
- There is scarcely room on the land for the planned extensions, making the house much bigger. This is creating a supersized monster of a house which looks like a detached house, but in fact remains semi-detached, dwarfing and failing to complement the existing attached house, taking most of the garden and the present driveway at the front, and dominating the neighbour's property.
- One resident describes the structure as a monstrous addition and appearing as poor-quality temporary accommodation in appearance.
- The nature of the intended finish is also queried together with what the internal arrangements would be, and whether the front extension would respect the building line.
- At present car parking is at the front of the house on the drive and on the Kingsway pavement. One can only assume that more people living there means more cars, and therefore more obstruction to pedestrians walking along the Kingsway pavement, or an increase in parking round the corner on Burnside Drive, where parking space is already at a premium.
- If this scheme is approved, it will give 'carte blanche' to others who want to make such monster additions to their houses without considering the effect on their neighbours.
- The Party Wall of 1996 which regulates construction work that may affect shared walls and boundaries stipulates that one MUST notify neighbours of proposed work and give them the opportunity to dissent. If neighbours' dissent, a party wall surveyor needs to be appointed to resolve any disputes. The neighbour has commenced building a very large extension on the party wall boundary without advance notice and giving the neighbour the opportunity to dissent.
- The unfinished extension is higher than what is allowed to be done without planning permission. It can be reliably assumed that when finished the extension will be taller still, thus reducing light to the neighbouring dwellinghouse.
- An unauthorised structure has also been built in the rear garden by the applicant.
- An extract fan has been located at the property which dissipates fume into the neighbouring garden.
- A well-established hedge which marked the boundary between the dwelling and the neighbouring dwelling has been removed without the permission of the neighbour.

5 objections have been received from 5 Altrincham residents (most of which in connection with parents living in the vicinity of the proposed development) on the grounds of:

- The size of the extension and the design and appearance not being in keeping with the character of the dwellinghouse.
- Views are expressed that the large, proposed extension is unsightly and an eyesore that has already raised negative comments from locals living nearby and others passing through.
- The applicant wrongly started work prior to seeking permission which means that the actual negative impact the extension is having on dwellings in the vicinity is visible.
- The development would impact on that daylight and sunlight to the neighbouring property, and lead to overshadowing.
- The applicant has also removed a well established hedge which marked the boundary between the dwelling and the adjacent house thereby causing the loss of natural habitat to local wildlife. Furthermore, this ecological act of vandalism is contributing to climate change as this long thick

hedge helped absorb the carbon emissions released by the thousands of cars that pass along the A34 every day.

-Matters are also raised regarding fumes from the existing kitchen extractor dissipating into neighbouring properties gardens, soffit boards and guttering the neighbouring property being damaged by the extension and not repaired.

-Reference is made to a rear extension which in their view is not permitted development and does not meet building regulations.

-They feel extensions up to the boundary should not be supported.

-They further advise that there has been no submission of Building Regulations, the foundations have not been adequately developed, and that the unfinished front and back extension exceed permitted development regulations.

-They also advise that they are not against houses being extended and support extensions that consider the environment, that are in keeping with the local area and that do not negatively impact neighbours right to daylight and sunlight, but they are of the view that the proposed extension would be detrimental for the reasons set out above.

A letter from a resident of Walton Road, also raises the impact of the partially built development on the character of the area, advising that the development would be imposing and overbearing in relation to the other properties on Kingsway. Concerns are also expressed in regard to impacts to the adjoining occupiers due to loss of light, runoff water from the proposed extension and loss of view due to the front extension.

Two emails of support have been received from a Kingsway and Burnside Drive address advising the scheme has added character to Burnage, and in their view the extension fits in well with the surrounding properties and character of the local area.

Following a re-consultation with revised plans, which limits the proposed front extension works to a porch, 4 further objections have been received .

A resident on Burnside Drive states that there appear to be no changes to the plans, and states that they already have a blot on the landscape in the form of the building built on the former Burnage Cricket Club site .

Three residents on Kingsway at one address wish to strongly object to the revised scheme on the grounds that the plan states, 'Do not scale from this drawing' and without scale they are not able to assess the impact of the revised scheme, and loss of light. They also raise concerns regarding the loss of light to their property and reiterate their earlier comments regarding the loss of the hedge to the boundary. They further reiterate their earlier comments regarding the rear extension which has been built, encroachment of rainwater goods, fumes from an installed extractor fan, felling a tree on a neighbouring property without permission.

1 objection have been received from 1 Altrincham resident (in connection with their parents living in the vicinity of the proposed development) on the grounds that:

- The new drawings are inadequate for the lay person to understand and be able to make an assessment of the impact to the local area as they have no dimensions. They have a scale but also a not to any dimension to be checked. They feel the dimensions should be stated on the plan.
- They believe the proposed front extension is still overly large and not in keeping with the character of the area.
- The proposed extension would still block light to the neighbouring property.
- The reference to the rear extension and encroachment is reiterated.

Issues

POLICIES

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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Notwithstanding the requirements within the National Planning Policy Framework, an assessment of the impact of the proposal needs to be considered within the context of other documents as outlined below:

Places for Everyone Plan

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.

Manchester Core Strategy

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

Relevant policies are policy SP1 (Spatial Principles), policy DM1 (Development Management) 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.

Saved policies DC1.1, DC1.2, DC1.3, DC1.4 and DC1.5 which relate to determining planning applications for extensions to residential properties are of relevance in the consideration of this application.

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

In addition, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 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: 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.

ISSUES

Principle

The principle of the proposal is considered to be acceptable in that it is intended to benefit and meet the needs of occupiers of the existing house. On balance it is considered that the proposal represents a proportionate addition to the existing building to create improved accommodation. It is therefore considered that the development responds positively to The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1 of the Unitary Development Plan.

The above application is being considered on the basis of the submitted plans and not the unauthorised works which have been built and are in situ on site.

Residential / Visual Amenity

Approval is sought for a single storey side extension which would wrap around the stepped side gable and extend to the rear of the property to be in line with the extent of the existing single storey rear extension. A door is proposed in the rear elevation, with a rectangular bay window to the front elevation. The side elevation would be a blank gable. The width of the side extension

at the front façade would be 3.3m, but due to the stepped nature of the existing southern elevation of the existing house the width of the side extension would vary. The side extension would be cranked to follow the southern boundary, but would be set off this boundary by 1.1m in part, but reducing to 0.66m at a pinch point. It is therefore recommended that any approval have a condition to prevent the installation of any addition windows and doors in the proposed development, to safeguard privacy and reduce any potential for overlooking, particularly if in the future the site to the south is brought forward for development.

The side extension would be set to the south of an existing single storey rear extension and as such would be set off the northern rear garden boundary with the neighbouring semi-detached house by 5.06m.

Any encroachment referenced in the objections received would appear to relate to the existing single storey extension to the rear of the house.

The revised front extension relates to the installation of a porch which would be 2.35m in depth and project forward of the proposed rectangular bay windows by 1.3m. The proposed porch would be sited between the two proposed bay windows and would be located 2.6m from the back of pavement. Whilst the proposed porch would be visible in the street scene, it is not considered that the proposal would detract from the character and appearance of the dwellinghouse or the street scene, but it is recommended that a materials condition to require the submission of materials before above ground development is attached to any approval.

The proposed porch would be set 3.7m from the boundary with the other semi detached dwellinghouse to the north. Due to the location and scale of the proposed front extension it is not considered that any loss of light would be so significantly detrimental to the adjoining occupiers to warrant to the refusal of consent.

On this basis, it is considered that the revised scheme responds positively to Core Strategy policies DM1 and SP1 and saved UDP policy DC1, due to the context, and siting. Furthermore, the revised proposal has been designed to be in keeping with the design and character of the existing house. It would therefore not adversely affect the appearance of the existing dwelling or visual amenity within the area, and is considered to be acceptable.

Height, scale and massing

It is considered that the scale of the development and its massing in relation to the surrounding context would be acceptable.

Siting

The proposed single storey extensions would be contained within the existing curtilage of the property. The proposed side extension at the dwellinghouse would wrap around the side gable and project to the rear to the extent of an existing single storey rear extension, enabling the proposal to be viewed as a subservient feature to the main dwellinghouse. It is considered that the proposed siting of the side and front porch extensions would not adversely affect neighbouring houses, and that the development meets the requirements of Core Strategy policies DM1 and SP1 and saved UDP policy DC1.

Design and Appearance

As outlined above, the submitted application relates to the proposed installation of a single storey hipped roof side extension, and a front porch extension with a pitch roof.

The side extension would have a rectangular bay window which would be of a similar appearance to the windows which are proposed to be installed to the front elevation at ground floor level. The design is considered to be acceptable, but a materials condition is recommended to be attached to any approval to ensure that appropriate materials would be

used within the proposed development, and the colouration would be in keeping with the character of the dwellinghouse.

Car parking

Vehicle and pedestrian access from Kingsway would be as existing. The existing off street parking space would be retained.

Refuse storage

At present bins are stored on an ad hoc basis within the front garden area of the dwellinghouse along the southern boundary. The existing arrangements for refuse storage would be not affected by the proposals, but it is proposed to attached a condition to formalise the location of the current arrangement on the southern boundary and that the bin are enclosed in a bin store, the design of which is required to be submitted prior to the occupation of the accommodation hereby approved.

Removal of hedge

The Hedgerow Regulations 1997 do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house. As such whilst the loss is disappointing in terms of loss of biodiversity, and there are no powers through planning legislation to have required its retention, and its removal is a civil matter.

Objectors' comments - In terms of planning comments raised by the objector, these have been duly considered in the issues section above. Comments relating to civil matters, fumes from an existing kitchen extract fan, encroachment of rainwater goods, and issues regulated by building control legislation would fall outside of planning legislation and therefore cannot be considered as part of this planning application.

Matters raised in regard to the existing rear extension have been referred to compliance officers for further investigation.

In regard to the concerns expressed regarding the scaling of plans, the reference to 'not scaling from the plans' in the notes section of the architects drawing appears to be a standard annotation by the architect. However, following the concerns expressed the architect has removed this annotation and reissued revised plans on this basis, to give comfort that the submitted plans can be scaled from and accurate dimensions provided for consideration.

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

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 raised issues with the planning agent in regard to the original scheme which sought approval of a front extension across the whole of the front façade and a side extension located forward of the existing frontage to link into the proposed front extension. Revised plans have been submitted which have addressed the issues raised and appropriate conditions have been attached 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:

Location plan ref: F01/KTH/05 rev.A received 12th April 2023

Proposed ground floor plan ref: F01/KTH/03 rev.F received 1st November 2023

Proposed elevation plan ref: F01/KTH/04 rev.E received 1st 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 (2012).

3. Notwithstanding the materials referenced on the planning application form, and prior to any above ground works, samples and specifications of the proposed materials to be used on the external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials.

Reason - In the interests of the character and appearance of the dwellinghouse, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester, and policies SP1, and DM1 of the Manchester Core Strategy(2012).

4. 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 development hereby approved other than those shown on:

Proposed ground floor plan ref: F01/KTH/03 rev.F received 1st November 2023

Proposed elevation plan ref: F01/KTH/04 rev.E received 1st November 2023

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy SP1 and DM1 of the Manchester Core Strategy (2012).

5. Prior to the development hereby approved first being occupied, finalised details of storage arrangements for refuse, including elevational details of screening/enclosure of a bin storage area, shall be submitted to, and approved in writing by, the City Council as local planning authority. The bin storage area shall be implemented in accordance with the approved scheme and shall thereafter be so maintained.

Reason - In the interests of residential and visual amenity, and to ensure the safety of the occupiers and future occupiers, pursuant to Core Strategy Development Plan Document Policies DM1 and SP1 and saved Unitary Development Plan Policy DC1.

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 (2012).

Appendix 1 – List of consultees & neighbours notified

Suite 8, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Hairdressing Salon, Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
Unit S1A-B, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
103 Burnside Drive, Manchester, M19 2NA
247A Kingsway, Manchester, M19 1AL
Unit S1C, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 7, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
STEPHEN A BLEASE AND ASSOCIATES, Suite 6, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 5, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 4, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 3, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 2, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W6, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W5, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W4, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W3, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W2, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Suite 1, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W8, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Unit W7, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Units W1, Kingsway Business Centre, 140 Kingsway, Manchester, M19 1BB
Burnage Cricket Club, Kingsway, Manchester, M19 1AL
Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
243 Kingsway, Manchester, M19 2NB

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
Area Team Boundary - Name: SOUTH AREA