

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138398/FH/2023
Date registered valid: 24 October 2023
Proposal: Erection of two storey side extension to form additional living accommodation
Address: 12 Manor Road, Manchester, M19 3EE
Ward(s): Levenshulme Ward

Applicant: Christopher Kay & Chantelle Van Den Boom
Agent (if any): Tomislav Vuletic, Flocc Studio Ltd
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 11 December 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 November 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 1 November 2023 Expired: 22 November 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: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a 2 storey bay fronted end-of-terrace dwellinghouse with 2 storey rear outrigger. It is a corner property and therefore visually prominent along Manor Road and Rushmere Avenue highways. The site appears to have been extensively covered in built form along the rear yard curtilage. There is existing timber frame canopy covering along the rear yard.

Site History

- o No site history.
- o No pre-application advice was sought from the local planning authority in relation to this application.

Description of development

The submitted application relates to the proposed erection of a two storey side extension measuring - (L 8140mm x W 1815mm) with the proposed roof ridge flush with the existing roof ridge. The scheme would serve as an extended living room, utility room and w/c at ground floor

level, including an extended bedroom and ensuite accommodation above. The proposed extension would be sited to the back of pavement along the Rushmere Avenue highway and follow the existing front and rear building lines whilst retaining a separation distance of approximately 1866mm from the rear boundary wall but would project 1815 mm beyond the existing side elevation facing Rushmere Avenue.

Consultations & Notification Responses

1. Local residents

No comments, objections or representations were received.

POLICY

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

1. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- o 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.

3. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

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

4. Saved Unitary Development Plan (UDP), (1995)

- o Saved Policy DC1 for Residential Extensions.

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

- o Chapter 2: Design

ISSUES

Principle of development

The principle of extending ones home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on visual and residential amenity.

Residential / Visual Amenity

As previously stated, 12 Manor Road is a corner property, and the proposed extension would therefore be quite prominent along Manor Road and Rushmere Avenue highways. The proposed 2 storey side extension would also significantly project forward of the established building line along Rushmere Avenue and with the adjoining properties, particularly at no. 2 Rushmere Avenue, (approximately between 1318mm - 1815mm) and thereby the proposed development would undermine the terrace along the Rushmere Avenue street scene; contrary to policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012) and saved policy DC1 of the Unitary Development Plan (1995).

As previously stated, the principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, provided the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The application site commands a prominent position within the street scene at the junction of Manor Road and Rushmere Avenue. It is considered that the position of the proposed extension along the side garden, close to the back of pavement, comes forward of the established building line along the Rushmere Avenue street scene and thereby would create a visually incongruous development that undermines the established terraces and compromise the character of the Rushmere Avenue street scene; contrary to policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995).

Conclusion

In this instance, although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, given the contextual relationship along the boundaries, the proposed development would undermine the terrace along the Rushmere Avenue street scene. It is therefore considered that the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007), and for these reasons, the application should be refused.

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

In assessing the merits of a planning application officers have sought to work with the agent in a positive and proactive manner in seeking solutions to any problems arising during the course of the application, in the case of this particular application no pre-application advice was sought before the application was submitted. The application has been determined in a timely manner and in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan and to policy DM1 of the Core Strategy and the National Planning Policy Framework. In this instance a solution that was satisfactory to both the Local Planning Authority and the applicant could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed two storey side extension would by reason of its position along the side garden of the application site and close to back of footpath would create a visually incongruent development that projects forward of the established building line along Rushmere Avenue, by undermining the established terrace, to the detriment of the layout of the street and the character of the area, contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1, EN1 and DM1 of the Core Strategy for Manchester (2012).

Appendix 1 – List of consultees & neighbours notified

14 Manor Road, Manchester, M19 3EE
Flat 8, 11 Manor Road, Manchester, M19 3RQ
10 Manor Road, Manchester, M19 3EE
Flat 6, 11 Manor Road, Manchester, M19 3RQ
Flat 3, 11 Manor Road, Manchester, M19 3RQ
Flat 2, 11 Manor Road, Manchester, M19 3RQ
Flat 1, 11 Manor Road, Manchester, M19 3RQ
Flat 5, 11 Manor Road, Manchester, M19 3RQ
Flat 7, 11 Manor Road, Manchester, M19 3RQ
Flat 4, 11 Manor Road, Manchester, M19 3RQ
Flat 10, 11 Manor Road, Manchester, M19 3RQ
Flat 9, 11 Manor Road, Manchester, M19 3RQ
9 Manor Road, Manchester, M19 3RQ
1 Rushmere Avenue, Manchester, M19 3FH
2 Rushmere Avenue, Manchester, M19 3EH
8 Manor Road, Manchester, M19 3EE

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: NORTH AREA