

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137828/FH/2023
Date registered valid: 11 August 2023
Proposal: Erection of part single, part two storey rear extension to form additional living accommodation
Address: 21 Melling Street, Manchester, M12 4PH
Ward(s): Longsight Ward

Applicant: Mr Asif Ali
Agent (if any): M Farooq, Building Design Services
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 4 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 September 2023

Standard consultations:

Printed: 18 September 2023 Expired: 9 October 2023

Neighbour notifications

Printed: 18 September 2023 Expired: 9 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 site is a mid-terraced dwellinghouse in the Longsight ward of Manchester with a small rear yard area and frontage with the back of pavement. There is an existing lean-to along the rear elevation, which appears to be an original feature along the rear façade of these terraced houses (measuring approximately 595mm deep x 1658mm wide x 3109mm high); adjacent to this feature and sited along the common shared boundary with no. 23 Melling Road is a single storey rear lean-to extension (approximately 2591mm deep x 2539mm wide x 3679mm high). The existing depth of rear yard is approximately 3.2 metres deep - (minimum) and 5.1 metres deep - (maximum). The existing separation distance from the immediate terraced houses along the rear boundary is approximately (13.7 metres - first floor window to window). An alleyway runs along the rear boundary.

The rear of the application site is north facing, so there is a pre-existing limited loss of light issue along this elevation during most daylight hours.

The immediate area is predominantly residential in character; to the east of the application site is Pink Bank Lane, and to the west Northmoor Road and Stockport Road offering a mix of uses.

One dwellinghouse along this row of terrace houses has a 2 storey rear extension, although upon further checks this was consented in 1988 under the old development plan, (ref: 030846) and the size of this extension is smaller.

Site History

No site history.

Description of development

The submitted application proposes the erection of a part single, part two storey rear extension to form additional living accommodation.

The proposal would be sited along the common shared boundary with no. 23 Melling Road whilst retaining a distance of approximately 1243mm from the common shared boundary with no. 19 Melling Road. Along the ground floor, it would measure approximately (5954mm deep x 2814mm wide x 3544mm high); it would comprise of a combined pitched to hip roof design, including 1no. window and a door along the side elevation. Along the first floor, it would measure approximately (2500mm deep x 2814mm wide), it would have a lean-to pitched roof design with the proposed roof ridge flush with eaves level, including 1no. window along the rear elevation. It is intended to use external facing materials to match the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objections, comments, or representations were received from a local resident.

We have a few objections to this planning listed below:

1. My bedroom window at the moment is very dark in the daytime and not getting much sunlight as we are on the north side only get my sunlight in the early evening with this extension being built up I am afraid my bedroom will become very dark.
2. My back garden is not very big, all the houses around the area are the same size, being small gardens we have enough sunlight at the moment and air which is nice, we object to losing our sunlight in the summer months because we are looking at a much bigger brick wall with this extension and request the height of the build to be looked into for this problem.

We think this extension is too much for the size of the house.

2. Environmental Health

No comments regarding the application on this occasion.

POLICY

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

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

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

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)

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

- Saved Policy DC1 for Residential Extensions is still considered of relevance.

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

- Chapter 2: Design

ISSUES

Principle

The principle of extending one's 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 residential and visual amenity.

Residential and Visual Amenity

Concerns have been expressed to the planning agent regarding the submitted plan. Whilst it has been advised that the principle of a single storey rear extension could be considered as acceptable in this location; however, in this instance, the cumulative impact from the proposal could not be supported by virtue of the proposed overbearing massing impact from its size, rearward projections and privacy distance matters, coupled with the densely packed terraces with small rear yards and by introducing a built form at first floor would have a significant overbearing impact on the amenities of the residential occupiers; particularly those occupiers at nos. 19 and 23 Melling Street and no. 22 Blakey Street. As the planning application could not

be supported on the basis of the information available, the agent was asked to confirm how they wished to proceed with the application, within specified timescales. No further correspondence has been received from the agent and therefore the application will be recommended for refusal.

Having assessed the proposal, several concerns relate to the scheme, particularly concerning the proposed rearward projects along the first floor (2500mm) and the ground floor (5954mm) and in terms of the proposed massing impact along the side boundaries, particularly along the first floor side boundaries. It is considered that the proposed first floor rear extension is unacceptable given the densely packed terraced houses with small rear yards and by introducing a built form at first floor would have a significant overbearing impact on the amenities of the residential occupiers; particularly those at nos. 19 and 23 Melling Street and no. 22 Blakey Street; contrary to the NPPF, policy DM1 of the Core Strategy and saved UDP policy DC1.

The proposed ground floor rearward projection at approximately 5954mm is also (2304mm) in excess of the guidance set out in saved policy DC1 regarding rearward extensions.

Furthermore, the resultant overdevelopment of the rear yard curtilage and outlook from neighbouring properties and rear yards, would present significant adverse impact to residential and visual amenity; contrary to the NPPF, policy DM1 of the Core Strategy and saved UDP policy DC1.

Moreover, the rear of the application site is north facing, so there is a pre-existing limited loss of light and overshadowing issue along this elevation during most daylight hours, and therefore, if the extension were to be allowed, (particularly, along the first floor, in such close proximity to habitable room windows) this issue would be exacerbated for the occupiers along the side boundaries, specifically, those occupiers of nos. 19 and 23 Melling Street, which is contrary to the NPPF, policy DM1 of the Core Strategy and saved UDP policy DC1.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposed overbearing massing impact and rearward projections, given the densely packed terraces with small rear yards, the cumulative impact would be unduly overbearing as a result of the expanse of brickwork along the side boundaries (particularly along the first floor), which would be to the detriment of the residential amenity of neighbouring occupiers; particularly those at nos. 19 and 23 Melling Street and no. 22 Blakey Street. Therefore, the proposed development does not respond positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1 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) 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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed extension would create an overbearing feature by virtue of its size, scale and in terms of its relationship to the common boundaries with nos. 19 and 23 Melling Street, and the properties along the rear elevation, along Blakey Street, resulting in the overdevelopment of the rear curtilage, which will unduly impact on the amount of amenity space available for any occupants of the dwelling, which is detrimental on residential amenity and contrary to the provisions of saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), policy DM1 of Manchester's Core Strategy Development Plan Document (2012) and The Guide for Development in Manchester (2007).

2) The proposed extension along the first floor, in such close proximity to habitable room windows, would unduly overshadow and result in a significant loss of light for those occupiers nos. 19 and 23 Melling Street during most daylight hours, which is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), policy DM1 of Manchester's Core Strategy Development Plan Document (2012) and The Guide for Development in Manchester (2007).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

26 Blakey Street, Manchester, M12 5QF
20 Blakey Street, Manchester, M12 5QF
25 Melling Street, Manchester, M12 4PH
23 Melling Street, Manchester, M12 4PH
19 Melling Street, Manchester, M12 4PH
24 Blakey Street, Manchester, M12 5QF
22 Blakey Street, Manchester, M12 5QF

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 - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA