

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138021/FH/2023
Date registered valid: 7 September 2023
Proposal: Erection of a first and second floor rear extension to form additional living accommodation
Address: 15 Bedford Avenue, Manchester, M16 8JS
Ward(s): Whalley Range Ward

Applicant: Mr Rukhsar Ahmed
Agent (if any): Mr Rashid Mehmood I. Planning Services
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 30 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 September 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 12 September 2023 Expired: 3 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a three-storey mid-terraced C3 dwellinghouse of redbrick with a grey slate dual pitch roof. The property features white uPVC windows, including a two-storey bay to the front, a front porch canopy, a part-single / part-two storey rear outrigger and a modest rear yard.



Figure 1. Principal elevation.



Figure 2. Rear view.



Figure 3. Rear elevation.



Figure 4. Rear yard.

Description of area

Bedford Avenue is a residential cul-de-sac situated within the Whalley Range ward of Manchester, close to Manley Park, St Margaret's Sports Fields, and Wilbraham Road (A6010). The area is predominantly residential in terms of its character, consisting of terraced and semi-detached residential properties, and benefits from its proximity to public outdoor amenity and public green spaces.

Description of development

The applicant is seeking permission for the erection of a first and second floor rear extension to form additional living accommodation.

Originally the application also included details of a ground floor rear extension; however the applicant and their agent chose to remove this element from the proposal following discussions with the case officer.

Planning History

135532/FH/2022 - Erection of a part single/part three storey rear extension; erection of a rear dormer and installation of rooflight to the front – **WITHDRAWN** (16.01.2023).

Consultations & Notification Responses

Two letters were received from two local residents in response to the application. Their concerns are summarised as follows:

- Privacy issues associated with side facing windows already in place at the property.
- The proposal would result in overdevelopment of the application site.
- The development would detrimentally affect the residential amenity of neighbouring occupiers in terms of loss of light.
- The proposal is excessive in terms of its height.
- The proposal would infill the already small yard space to an unacceptable degree.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

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.

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle – the principle of allowing residents to extend and develop their homes to provide enlarged or improved living accommodation is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property or upon the visual and residential amenity of neighbouring occupiers.

In this instance however, the principle of the proposal is considered unacceptable as it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy.

Siting, scale, and massing – as previously stated, the application also originally included details of a ground floor rear extension. This element of the proposal would have reduced the private outdoor amenity space of the property to an unacceptable degree. The applicant and their agent were notified of these concerns and chose to remove this element from the proposal, seeking permission solely for the first and second floor elements of the proposal instead.

The extension would be sited at the back of the property, adjoining the existing rear outrigger, facing east. At first floor level, the extension would project 1.135m rearwards, with a width of 3.632m. At second floor level, the extension would project 2.93m rearwards, with a width of 3.32m, dual pitch roof height 8.849m (set 3.548m below the ridge of the host dwellinghouse), with eaves to match the existing. It would be sited along the boundary shared with No.11A Bedford Avenue with a gap of 1.612m maintained to the boundary shared with No.17 Bedford Avenue.

Overall, the siting, scale, and massing of the proposal is considered to be unacceptable. This is largely due to the proposal's excessive mass and bulk which would be sited along the property's shared boundary, forming an overbearing feature for neighbouring occupiers. In terms of its dimensions, it is considered that the proposal would result in an 'excessively large or bulky' addition to the property, which would be out of character and out-of-keeping with the surrounding area (which lacks a precedent for developments of this type as the extensions present at No.7 and No.9 Bedford Avenue do not benefit from planning permission, see figure 5), and which would ultimately result in an overdevelopment of the application property. The proposal would therefore act against the principles set out in policy DC1 of the UDP, and policies SP1 and DM1 of the Core Strategy.



Figure 5. Application property with No.7 and No.9 Bedford Avenue visible in background.

Appearance and visual amenity – the extension would be built of brickwork, roof tiles, and uPVC windows to match the existing. At first-floor level, the extension would feature one window along its rear elevation, whilst its side elevations would be blank and featureless. At second-floor level, the extension would also feature one window along its rear elevation, whilst its side elevations would be blank and featureless. The extension would also feature a dual pitch rear-facing roof form.

Whilst there are elements of the proposal's design which are considered acceptable, such as its use of matching materials, there are aspects of its design which are regarded as unsuitable, including the extension's chosen roof form. Indeed, the dual pitch roof form proposed at the rear is believed to be an inappropriate design choice as it would not be subservient to the current appearance of the host dwellinghouse, whose existing outrigger features a mono-pitch roof form, nor would it be in-keeping with the appearance of the surrounding dwellinghouses, which predominantly feature uniform roof forms (excluding the unauthorised additions present at No.7 and No.9 Bedford Avenue).

It is due to this component, combined with the extension's excessive mass and bulk, that the design of the proposal is believed to have a detrimental effect on the character and appearance of the host dwellinghouse as well as being out-of-keeping with the surrounding area. The proposal therefore conflicts with policy DC1 of the UDP and policy DM1 of the Core Strategy.

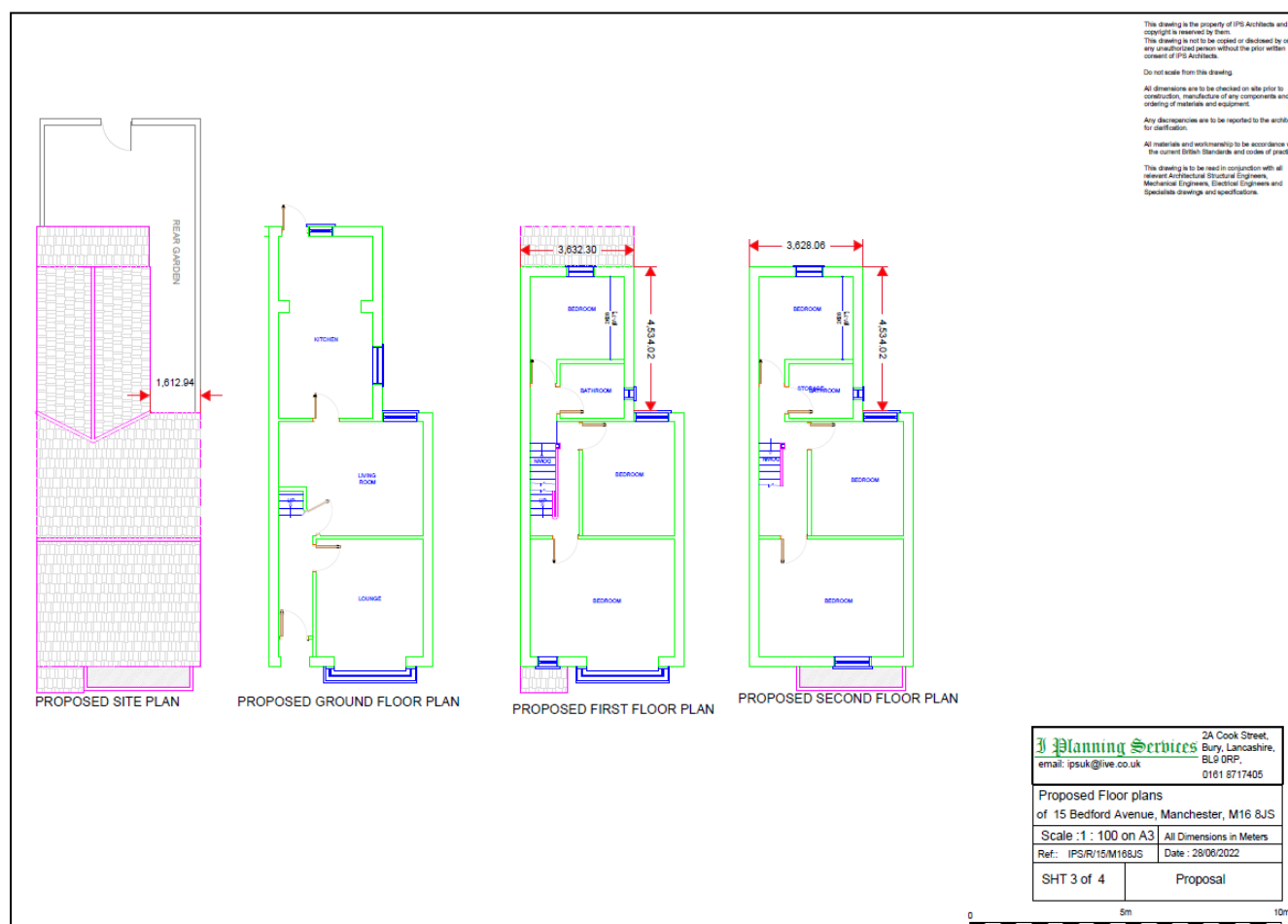


Figure 6. Submitted proposed plans.

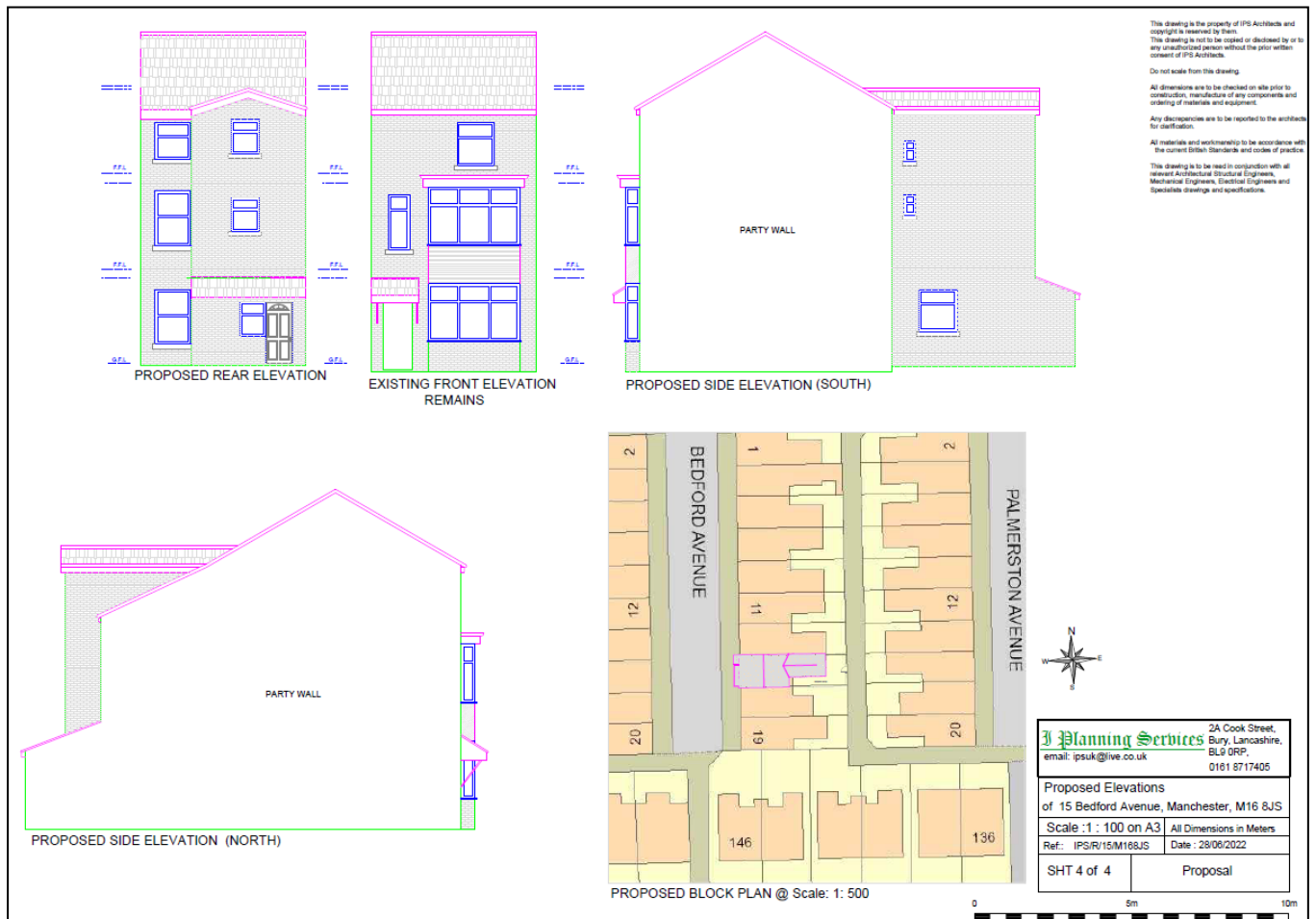


Figure 7. Submitted proposed elevations.

Residential amenity – sited to the south of No.11A Bedford Avenue, the excessive mass and bulk of the proposal would mean that the extension would have the potential to introduce an overbearing, visually obtrusive feature for neighbouring occupiers, with the capacity to cause issues associated with overshadowing and loss of light, particularly given its siting along the property's shared boundary as well as its notable projection beyond the rear elevation of No.11A. The proposal's inappropriate siting along the shared boundary would also result in neighbouring occupiers experiencing a marked reduction in terms of their visual outlook, most notably from their first and second floor rear windows. The privacy of neighbouring occupiers is also likely to be infringed upon by the proposal's rear-facing windows as these are likely to provide a vantage point from which overlooking of neighbouring properties and gardens would be possible.

Thus, given the proposal's mass and bulk in combination with its inappropriate siting along the shared boundary, it is considered that the proposal would cause undue harm to the residential amenity of neighbouring occupiers, contrary to policy DC1 of the UDP and policies DM1 and SP1 of the Core Strategy.

Waste storage – the current bin storage arrangements would be unaffected by the proposal.

Parking – the current parking arrangements would be unaffected by the proposal.

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to its siting, scale, and massing and resultant negative impact upon the visual and residential amenity of neighbouring occupiers as well as the overall appearance of the host dwellinghouse and surrounding area. The applicant and their agent were informed of the above concerns and were notified of the Council's intent to refuse the application. Policy DC1 states

that the alteration and extension of residential properties may be required to accommodate changing household needs, however, this proposal is considered to cause undue harm to the host dwellinghouse, surrounding area and the visual and residential amenity of neighbouring occupiers, thus acting against the principles set out in the aforementioned policies, hence the proposal cannot be supported by the City Council. The applicant was notified of the above concerns and has chosen to proceed with the application.

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 applicant / agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) The proposal by reason of its inappropriate rear roof form and excessive mass and bulk; would introduce detrimental visual elements to the area, forming a visually incongruous and obtrusive structure which would not be sympathetic to the appearance and character of the host dwellinghouse or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

2) The proposal by reason of its proximity to the shared boundaries, together with its scale, massing, and bulk is considered to have an overbearing impact upon the occupiers of neighbouring properties, causing a loss of light, outlook, and privacy to the detriment of residential amenity. The proposal is therefore contrary to policies SP1 and DM1 of the

Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1 and the guidance within the National Planning Policy Framework.

3) The proposal by reason of its excessive scale and massing would result in an excessively large and bulky addition to the property and would be considered an overdevelopment of the host dwellinghouse. As such the proposal is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of Manchester's Core Strategy and the NPPF.

Appendix 1 – List of consultees & neighbours notified

18 Palmerston Avenue, Manchester, M16 8JR
11A Bedford Avenue, Manchester, M16 8JS
18 Bedford Avenue, Manchester, M16 8JS
16 Bedford Avenue, Manchester, M16 8JS
17 Bedford Avenue, Manchester, M16 8JS
14 Bedford Avenue, Manchester, M16 8JS
16 Palmerston Avenue, Manchester, M16 8JR
14 Palmerston Avenue, Manchester, M16 8JR

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