

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138144/FH/2023
Date registered valid: 20 September 2023
Proposal: Erection of a part single, part two storey rear extension following demolition of existing rear conservatory for additional living space
Address: 6 Nethercote Avenue, Manchester, M23 1LL
Ward(s): Baguley Ward

Applicant: Dr Aleem Khan
Agent (if any): Dr Taki Sonbli
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 5 December 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 November 2023

Expired: 4 December 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: No

Tree Preservation Order: No

Description of area

The detached property is in an established residential area and is predominantly characterised by family dwelling houses, the character and appearance of the properties along the road creates an attractive street scene.

The house is a moderate distance to the Wythenshawe Hospital, together with a number of local schools and green spaces.

Description of development

Erection of a part single, part two storey rear extension following demolition of existing rear conservatory for additional living space

The officer requested the agent to reduce the depth of the first floor rear extension, due to the neighbouring property Nethercote Avenue. The original proposal would provide undue overshadowing and an overbearing nature on the neighbouring property. Revised drawings were received, and the proposal has been assessed using the revised drawings.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one letter of objection was received raising concerns that at certain times of the year as result of the first-floor rear

extension, due to the orientation of the building, the extension would have a detrimental impact on the amount of light available and cause shadowing.

The proposal was amended reducing the first-floor projection and the neighbours were re notified regarding the amended plans, and the objector commented the first-floor extension albeit reduced in size would cause shadowing at certain times of the day. The objector also raises concerns regarding the ground floor rear projection and its impact on surrounding properties. Consideration has been given in this instance the ground floor extension would be otherwise be permitted developed with a 4-metre projection as the property is detached. Furthermore, the detached property has a meter gap between the neighbouring properties and the first-floor extension is pulled sufficiently enough away to cause significant enough harm for the occupiers of the surrounding properties. There may be some shadowing at certain times of the year as a result of the extension. However, on balance this would not be sufficient to warrant a refusal of the scheme.

Issues

Policy & Issues

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

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Issues

Principle of the Proposal - The principle of the proposal is considered acceptable given that a number of neighbouring properties have been extended in a similar fashion. Notwithstanding this, the potential impact upon existing levels of residential and visual amenity must be assessed.

Design and Siting - The design and siting of the proposed extension is considered acceptable and would complement the existing property.

Residential Amenity - Given the design and siting of the rear extension it is not considered that it would lead to an undue reduction in the current levels of residential amenity enjoyed by neighbouring residents. The scheme has been amended to reduce the first floor projection to alleviate the impact. There is a window inserted on the existing side elevation facing the fence. This is deemed acceptable as a gap is maintained between the shared common boundary and the two properties.

Visual Amenity - Given the design and siting of the extension, it is not considered that the proposal would have an unduly detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the property.

Pedestrian and Highway Safety - The proposal will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Car Parking - Sufficient off-street car parking would remain for the occupants of the property.

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

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. 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.

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:

The Location Plan, AO4, AO5 and AO6, stamped as received on the 24 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 Core Strategy.

3) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture, as stated in the Householder Application Form.

Reason - To ensure 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 Policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and Policy DM1 of the Manchester Core Strategy.

4) Before first occupation, the first-floor bathroom windows, shown on drawing numbers, AO4, AO5 and AO6, stamped as received on the 24 November 2023, stamped as received on the 24 November 2023, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework.

Appendix 1 – List of consultees & neighbours notified

8 Nethercote Avenue, Manchester, M23 1LL
4 Nethercote Avenue, Manchester, M23 1LL
12 Nethercote Avenue, Manchester, M23 1LL
81 Blackcarr Road, Manchester, M23 1PW
7 Nethercote Avenue, Manchester, M23 1LL

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 45M
Area Team Boundary - Name: SOUTH AREA