MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138076/FH/2023
Date registered valid:	10 October 2023
Proposal:	Erection of a two storey side and single storey rear extension
Address:	62 Rudheath Avenue, Manchester, M20 1PL
Ward(s):	Old Moat Ward
Applicant:	Mr Asghar
Agent (if any):	Mr Aslam Khan, LBV Developments
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**4 December 2023**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 October 2023

Standard consultations:
Printed: 17 October 2023 Expired: 7 November 2023

Neighbour notifications
Printed: 16 October 2023 Expired: 6 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: No

Tree Preservation Order: No

Description of area

The application site relates to 62 Rudheath Avenue within the south Manchester ward of Old Moat. The application sites relates to a semi-detached, two storey dwellinghouse, of an off white render and red brick construction. The property sits to the east of the plot which is triangular in formation with a pinch point and narrowest part of the site to the rear. Amenity space to the front consists of a grassed area, areas of hardstanding and an off street parking space and further amenity space to the rear consists of hardstanding and a grassed garden.

Description of development

The submitted application seeks planning permission for the erection of a two storey side and single storey rear extension.

The two storey side extension would be set back from the primary elevation of the host property at both levels by 1.5 metres. The two storey side extension at the largest point would have approximate dimensions of Height: 6.6 x Length: 5.2 x Width: 3 metres. The single storey rear extension would extend/ wrap into the width of the host property and proposed side extension and at the largest point have approximate dimensions of Height: 3.3 x Length: 1.5 x Width: 9.5 metres.

The proposal would create a living room, office study and enlarged kitchen/dining room on the ground floor and two bedrooms on the first floor.

The proposal would involve the insertion of two windows within the front elevation and three windows within the rear elevation.

Materials to be used would match those within the host property.

Amended Plans

Plans have been amended from those originally received. The originally submitted proposals showed a side extension with an inadequate level of subserviency and set back from the host property, a first floor rear extension with a flat roof which was considered to be visually intrusive and harm to neighbouring property in terms of amenity. Revised plans were received which are considered to overcome issues raised and is assessed within this report.

Planning History

098149/NMC/2011/S1-Land Bounded By Princess Road/Cavendish Road/Burton Road/Yew Tree Road And Mauldeth Road- Non-Material Amendment to planning approval ref 092620/FO/2010/S1 to allow elevational alterations to 515, 517, 565 and 567 Princess Road. Approved 16 January 2012.

092620/FO/2010/S1-Land Bounded By Princess Road/Cavendish Road/Burton Road/Yew Tree Road And Mauldeth Road, Withington-Overcladding of non traditionally constructed 'Diatomite' houses including exterior wall cladding, roof covering, new windows, doors and canopies. Approved 26 July 2010.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Flood Risk Management Team

The MCC Flood Risk Management Team were consulted and the Team provided the following response:
The information uploaded to the Planning Portal 13 Sept - 10 Oct 2023 has been considered.
•Flood Zone 2 encroaches site boundary, necessitating an FRA.

We recommend the following Conditions:
Condition 1: No development shall commence until a flood risk assessment has been submitted to and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS). For the avoidance of doubt, as per the government standing advice, the assessment must include the following:
-A description of your development.
-An assessment of the flood risk from all sources (such as: fluvial, surface water, groundwater, sewer, reservoir and canal) of flooding for your development (this does not require bespoke

hydraulic modelling, and may be based on data obtained freely via an Environment Agency data request and opensource data on the DEFRA and government platforms). Note this should include publicly available maps where applicable.
-Identification of any historic flood events on site or within close proximity to the site.
-The estimated flood level for your development (the estimated flood level is a river flood level with a 1 in 100 or greater annual probability, plus an allowance for climate change). The estimated flood level may be obtained freely from the Environment Agency.
-Provide a plan showing the finished floor levels (FFLs) and the estimated flood levels. FFLs should take into consideration predicted flood levels and should be set to an appropriate level, this may be either no lower than existing internal FFLs of the adjoining dwelling or 300 millimetres (mm) above the estimated flood level. All levels should be in mAOD.
-If you cannot raise FFLs 300 mm above the estimated flood level, you should demonstrate flood resilience and resistance measures in your design. Use the following guidance: https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#extra-flood-resistance-and-resilience-measures
-Consideration of flood safety measures (such as signing up for EA flood warnings) and evacuation plans where required.
-Any supporting plans and drawings.
-See https://www.gov.uk/guidance/flood-risk-assessment-standing-advice for further guidance on preparing your documents and obtaining the required data.

Reason: To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required.

Issues

POLICY

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
b) a social objective and
c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:
i. Chapter 8. Promoting healthy and safe communities.
ii. Chapter 12. Achieving well-designed places.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) 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. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:
a. The general character of the property;
b. The effect upon the amenity of the neighbouring occupiers;
c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
d. The overall appearance of the proposal in the a street scene;
e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:
a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
b. They do not create undue loss of sunlight, daylight or privacy;
c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:
a. rearward extensions greater than 3.65m (12 ft) in length;
b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
c. 2-storey extensions to terraced properties which occupy the full width of the house;
d. flat roofed extensions to bungalows;
e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:
a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.
As a guide, and without prejudice to the generality of this policy, the Council will normally permit

2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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

The Guide 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 CABE 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.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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.

The following policies are relevant:
i.JP- S1- Sustainable development
ii.JP- S2 – Carbon and energy
iii.JP- S5 – Flood risk and the water environment
iv.JP- H1 – Scale, distribution and phasing of new housing.

ISSUES

Principle of Development

The submitted development application is for the erection of a two storey side and single storey rear extension. This is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

Two storey side extension:
The two storey side extension would sit to the west of the site boundary and would be set back 1.5 metres from the primary elevation of the host property. Due to the triangular plot and diagonal boundary leading to a pinch point to the rear of the site, the side extension would be 0.9 metres away from the boundary at the closest point and 6.5 metres at the furthest point. Given the additional built form would look onto amenity space in connection with no.64 Rudheath Avenue and due to the splayed nature of the plot, the side extension is not considered to create an overbearing feature to the neighbouring property. However, the bedroom to be created on the first floor of the proposal to the rear of the property would look onto the rear amenity space of no.62 Rudheath Avenue. The additional window looking onto the direction of the neighbour’s external space and proximity to the boundary could give rise to adverse overlooking implications. This is thought to be minimised by placing an obscure glazed and top opening window condition on any approval granted which would stop any overlooking implications from arising. In addition, a further condition would be placed on any approval granted restricting the further insertion of windows and doors beyond those approved by this consent.

Given the side extension would be set back from the primary elevation of the host property by 1.5 metres and the roof of the extension would be lower than that of the host property, the extension would be seen as a subservient feature and not give rise to adverse visual implications.

Single storey rear extension:
The first floor rear extension has been omitted during the course of the application and is considered to limit harm to the surrounding properties. The rear extension would wrap into the ground floor of the proposed side extension. A window would be inserted in the office study, again to minimise adverse overlooking implications into no.64 Rudheath Avenue. Given the proposal is of a single storey level only, the proposal is not considered to be overbearing to the detriment of the neighbouring property.

The rear extension would have a projection of 1.5 metres and sited 0.3 metres from the shared boundary with no.60 Rudheath Avenue. As the extension would have a small projection, any adverse implications would be minimal and therefore acceptable.

Overall, any harm in terms of visual/residential amenity is considered to be minimised through the revised drawings.

Design and Appearance

Two storey side extension:
DC1.4 of the UDP requires the creation of domestic extensions which are subservient to the main house, do not cause a terracing effect and must provide a 1.53 metre gap to the shared

boundary. In order to avoid the terracing effect and to ensure that subservience to the original dwellinghouse is achieved. In this instance it would be difficult to leave a 1.53 metre gap to the boundary and create a viable side extension due to the splayed plot and pinch point to the rear of the plot. Although the 1.53 metre gap has been achieved to the front of the site, this is not possible at the point closest to no.64 Rudheath Avenue. No terracing would occur due to the splayed nature and relationship with neighbouring properties. The revised scheme with a set back of 1.5 metres at both levels and the lowering of the ridge height is considered to be pursuant with Policy DC1.4 of the UDP.

Single storey rear extension:
The rear extension would have a projection of 1.5 metres and therefore pursuant with Policy DC1.3 of the UDP. This is considered acceptable given the constrained nature of the rear amenity space. The design respects the relationship with the splayed plot and existing boundaries. This element is therefore considered acceptable in size and form.

Materials:
Materials to be used would match those within the host property. This is considered acceptable and would be conditioned accordingly within any approval granted.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Car Parking

Proposed plans show the existing off street parking space could still be accessed as a result of the proposal. This is considered acceptable to not put pressure on existing on-street parking provision.

Bin Storage

At the time of the site visit, bins were stored within the rear amenity space. As a result of the proposal, access to the rear amenity space would still be possible and as such no change to arrangements would occur.

Flood Risk pre commencement condition

Flood Risk were consulted on the application as Flood Zone 2 encroaches the boundary. The Team requested an FRA condition be attached to any approval granted. This was sent to the agent for review on 9 November 2023 but no response was received. The condition would be placed on any approval granted.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area and the amended design is considered to overcome issues raised.

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 polices 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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and an amended scheme, which is considered to overcome concerns, has been submitted. Appropriate conditions have been attached to the approval granted.

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:
-Application Form, stamped as received by the City Council as Local Planning Authority on 13 September 2023.

-Drawing- Proposed- Plans and Elevations, numbered PD.01 REV C, stamped as received by the City Council as Local Planning Authority on 4 December 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.

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) Before first occupation, the ground floor office study room window and the first floor rear bedroom window as shown on the approved 'Drawing- Proposed- Plans and Elevations, numbered PD.01 REV C', stamped as received by the City Council as Local Planning Authority on 4 December 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.

In addition, the windows shall be top-opening only 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) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

6) No development shall commence until a flood risk assessment has been submitted to and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS).

Reason- To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

64 Rudheath Avenue, Manchester, M20 1PL
69 Rudheath Avenue, Manchester, M20 1PJ
66 Rudheath Avenue, Manchester, M20 1PL
60 Rudheath Avenue, Manchester, M20 1PL
75 Rudheath Avenue, Manchester, M20 1PJ
73 Rudheath Avenue, Manchester, M20 1PJ
71 Rudheath Avenue, Manchester, M20 1PJ
67 Rudheath Avenue, Manchester, M20 1PJ

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA