Planning

Growth & Development

Delegated officer report for planning application

Application no.	138305/FH/2023
Date registered valid:	17 October 2023
Proposal:	Erection of a first floor side and rear extension together with a single storey front porch extension
Address:	38 Whitebrook Road, Manchester, M14 6FD
Ward(s):	Fallowfield Ward
Applicant:	Arooj Arshad
Agent (if any):	Miss Rebecca Parnell, Extension Plans UK
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**16/11/2023**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: Made on previous application 137639/FH/2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 19 October 2023 Expired: 9 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

Proposal relates to a semi-detached dwelling on Whitebrook Road. The property features an existing single storey side and rear wraparound extension and front porch. The property features hardstanding for vehicle parking to the front and landscaping to the rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Street scene



Figure 2. Rear Elevation

Description of area

The proposal is in a residential part of the Fallowfield ward of Manchester.



Description of development

The applicant is proposing erection of a first-floor side and rear extension together with a single storey front porch extension.

First floor side extension

The proposal adds a first-floor side extension projecting 2158mm from the existing side elevation on the footprint of the existing single storey extension.

The first-floor side extension extends 6776mm from a 1000mm set back at the front elevation to in line with the existing rear elevation.

The proposal adds a 1200mm side window to the first floor and a 900mm window to the front elevation.

First floor rear extension

The first-floor rear extension projects 4000mm from the rear elevation stopping short of the existing ground floor rear extension.

The extension spans 7374mm across the rear elevation from a 1000mm set back to the existing ground floor side elevation to a small gap to the shared boundary.

The proposal adds a 45-degree angled elevation to the boundary of 36 Whitebrook Road following the angle of the neighbour's window. The extension projects 2269mm at the gap to the shared boundary.

The proposal adds 2no windows to the rear elevation.

The proposal adds to gable ended roofs measuring 3687mm each to the rear.

Porch to front

The proposal replaces the existing porch structure with a new 2617mm x 1182mm gable fronted porch with materials to match.

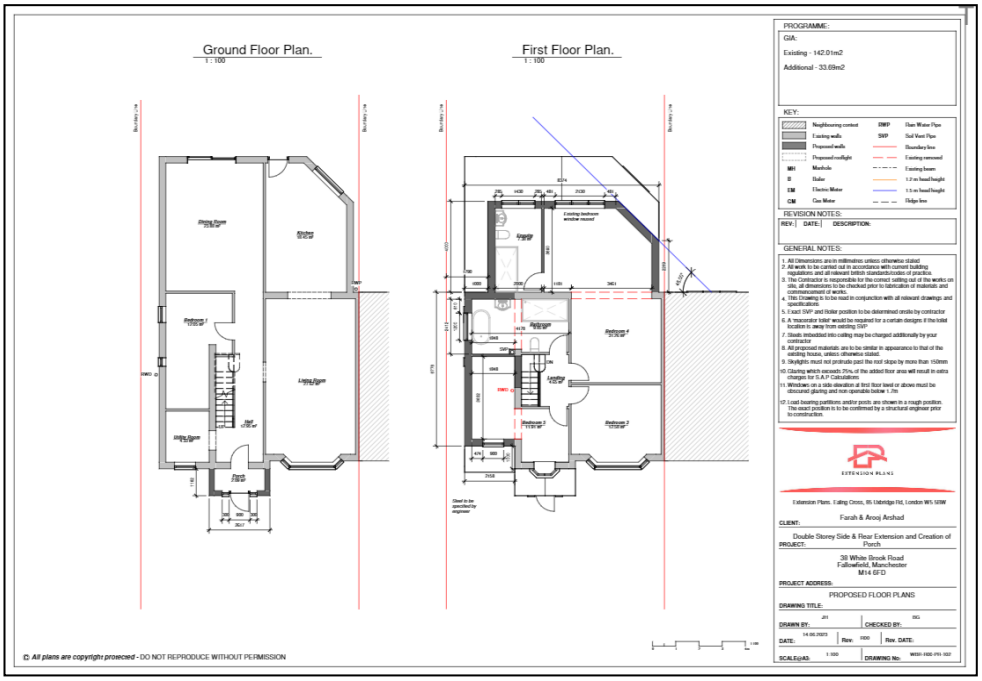


Figure 3. Proposed floor plans

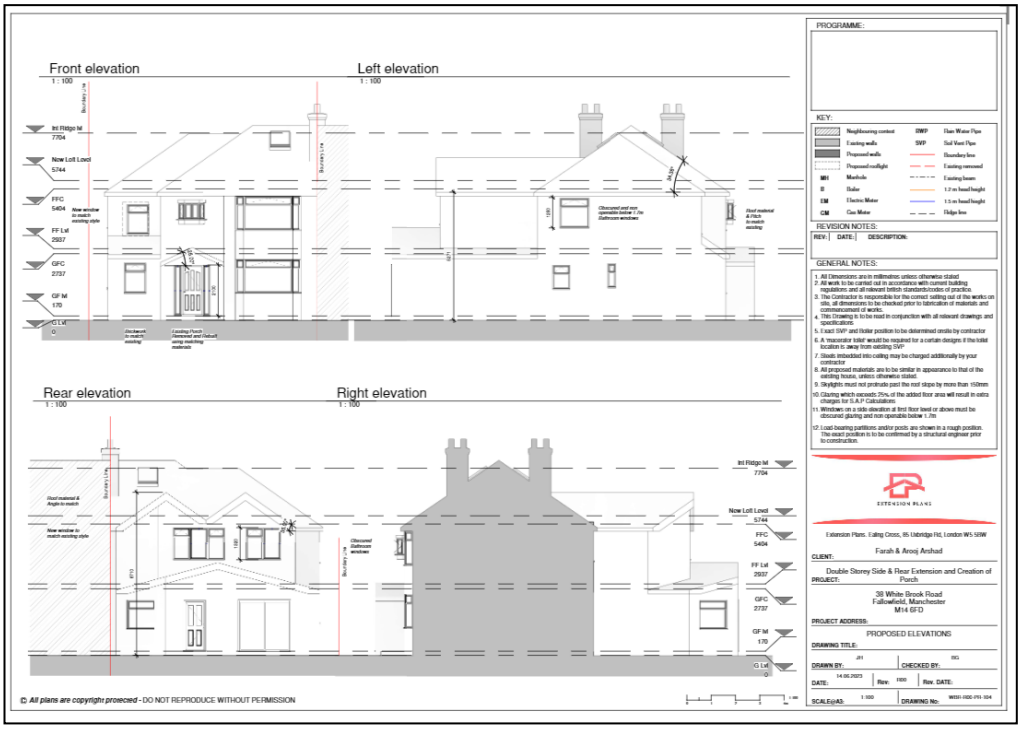


Figure 4. Proposed Elevations

Planning History

138306/FH/2023

Description: Erection of a first-floor side and rear extension together with a single storey front porch extension

Decision: Pending Consideration

It is of note that the above application is a very similar scheme for the same address.

137639/FH/2023

Description: Erection of first floor extensions to the side and rear to form additional living accommodation and erection of porch to front

Decision: Approve 13/10/2023

It is of note that the above application was negotiated to an agreeable scheme which balanced the ability to extend the property with the effects caused by overdevelopment (overbearing massing).

On initial assessment of the plans, it was believed the full second storey side and rear extension would create an overbearing massing and harm to the residential amenity in the area. The initial proposal would have also created a terracing effect at the property to the detriment of the street scene and character of the area. The updated scheme made several alterations to reduce massing and over development and to relieve the terracing effect.

CDN/18/0013

Description: Discharge of Condition 3 (materials) Attached to planning permission reference application 117235/FH/2017

Decision: Approved 12/02/2018

117235/FH/2017

Description: Erection of single-storey side and rear extension to form additional living accommodation

Decision: Approved 13/10/2017

Consultations & Notification Responses

Consultations

No consultees were consulted on this proposal.

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

2no comments objecting to the proposal was received highlighting:

- The overbearing nature of the proposed development
- Overlooking and privacy concerns
- Design and character of the proposed addition.
- Dominance in the street scene
- Proximity to the boundary of neighbours
- Concerns on additional parking requirements.
- Concerns on noise.

Negotiations

Issues have arisen in the consultation phase.

On initial assessment of the plans, it is believed the first-floor side and rear extension would create an overbearing massing and harm to the residential amenity in the area.

The initial proposal would have also created a terracing effect at the property to the detriment of the street scene and character of the area.

It is of note that officers and the applicant negotiated a viable scheme for the property which was approved 137639/FH/2023.

In this instance the applicant wished to continue to refusal and intend to appeal the decision.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

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

- The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
    - DM 1 - Development Management
    - SP 1 - Spatial Principles
    - EN 1 - Design Principles and Strategic Character Areas
- Places for Everyone Plan
    - 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.
- Extant Unitary Development Plan (UDP) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
    - DC1 - Residential Extensions
- The National Planning Policy Framework (The NPPF) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 with the latest version

published 05 September 2023. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:

- Section 4 – Decision-making
- Section 12 – Achieving well-designed places

Principle of development

In general, the principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable if there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

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

On balance, the proposed development is deemed to oppose relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF as assessed in the following sections of this report.

The Manchester Core Strategy Development Plan (2012-2027)

The proposal has been assessed against the following policies of the Core Strategy:

DM 1 – Development Management

All new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The proposal has been assessed against the following issues:

Appropriate siting, layout, scale, form, massing, materials, and detail

The applicant is seeking the erection of a first-floor side and rear extension together with a single storey front porch extension.

The property features an existing ground floor side and rear extension of substantial proportions which this proposal builds on top of.

The massing effect of the proposals would create a property of overbearing size and scale at the site which would create a dwelling too big for the site boundaries, in keeping with the character of the original dwelling and character of the area.

The rear full width first floor projection of 4000mm combined with 2no gable ends would create a large massing to the rear of the property which would create an overwhelming effect on the original dwelling. The first-floor extension steps out beyond the existing side elevation de facto increasing the size of the main dwelling and removing any notion of subservience.

The rear extension would have an overbearing effect on 36 Whitebrook Road, dwarfing the rear of the property.

The unique position of the property means that rear elevations of properties along Caxton Road and Wilbraham Road face into 38 Whitebrook Road and the size and scale of the proposed first floor rear extension would create a visually obtrusive massing.

The size and massing of the first-floor extension so close to the boundary with 36 Whitebrook Road would create a sense of overbearing and harm to the residential amenity of the property.
The applicant has attempted to alleviate the concern with a 45-degree cut off to the rear however the proposal would still create a 2269mm wall to the boundary with further massing beyond.

It is of note in the approved application 1380306/FH/2023 the rear extension was negotiated down to balance the ability of the applicant to extend their property with the massing concerns as described.

The first-floor side extension would create a terracing effect to the street scene of Whitebrook Road. The 1000mm set back would not be enough to negate this effect.

It is of note in the approved application 1380306/FH/2023 the setback was negotiated to 1600mm to allow an internal access whilst reducing the terracing effect.

Combined, the effects of the proposed development, de facto changing the size and scale of the original dwellinghouse, to create a massing that is overbearing on neighbours and the surrounding street scene and a dwelling of a size and scale beyond the original property size for the original plot.

Overall, it is considered that the proposed development does not have appropriate siting, layout, scale, form, massing, materials, and detail and is therefore in opposition to the development management principle.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.

As discussed, the proposed developments size, scale and massing would create a visually obtrusive impact to the surrounding residential dwellings and character of the local area. The unique location of the property (with the rear elevations of properties on Caxton Road and Wilbraham Road facing into the rear of the property) further exacerbating the effect of the massing of the proposed development on the local area.

Visual impacts in connection with the proposed development are considered to have a significant impact to the character of the area, and therefore the appearance is unacceptable.

It is of note in the approved application 1380306/FH/2023 the proposal was negotiated down to balance the ability of the applicant to extend their property with the visual impacts as described.

On balance, the proposal is considered inappropriate, in terms of size and its position to others found in the immediate area, therefore it is felt that the proposal cannot be accommodated at the application property and is considered that the proposal would interfere with the existing characteristics of the area.

Overall, it is considered that the proposed development has a negative impact on the surrounding areas in terms of the design, scale, and appearance and is therefore in opposition with the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal adds large glazing to the first floor at the property. At a projection of 4000mm from the existing windows, the new windows could present privacy concerns for properties on Caxton Road and Wilbraham Road with concerns on overlooking into adjacent gardens harming the residential amenity of neighbouring properties.

The proposal is expected to have a negligible effect on Air Quality.

The proposal in of itself has a negligible effect on local noise levels.

The proposal has no effect on road safety and traffic generation and is therefore in accordance with this development management principle.

On balance the proposal has a negative effect on privacy, local light, noise, vibration, air quality, odours, litter, vermin, and birds and is therefore in opposition this development management principle.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal does not alter the existing access to the premises or create an unnecessary barrier to access and egress.

The proposal is therefore in accordance with this development management principle.

Adequacy of internal accommodation and external amenity space.

The proposal adds a large amount of internal accommodation which could create an imbalance between internal accommodation with external amenity space.

The property already features a large side and rear extension removing external amenity space and the proposed development would further exacerbate the imbalance.

The proposal is therefore in opposition with this development management principle.

Refuse storage and collection.

The proposal in of itself has a negligible effect on waste from the site, using existing refuse storage and collection on site. It is recognised that demolition and/or construction works often generate commercial waste. Contractors are expected to follow best practice of waste management.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

The proposal has no effect on the existing vehicle access and car parking at the property and is therefore in accordance with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Green Infrastructure including open space, both public and private

The dwelling benefits from a garden beyond the siting of the proposed development. As such proposal would have a negligible impact on green infrastructure, however the balance between internal accommodation and external green space would have a negative effect on the residential amenity of the property.

The proposal is therefore in opposition with this development management principle.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

This proposal is considered to oppose the principles of this policy.

EN 1 – Design Principles and Strategic Character Areas

This policy outlines key design principles for development in Manchester most notably that all development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the ‘Southern Character Area’.

This proposal is considered to oppose the principles of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

DC1 - Residential Extensions

This policy outlines the key issues when considering proposed residential extensions.

Most notably

DC1.2 - 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 the original buildings);*
b. *they do not create an 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 street scene by virtue of design, use of materials or constructional 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.*

And;

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).*

This proposal is considered to oppose the principles of this policy as outlined in DM 1 section.

Places for Everyone Plan

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 on the Plan. The Examination of 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 is 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.

This proposal is considered to oppose the aspirations of the Places for Everyone Plan.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

This proposal is considered to oppose the principles of this policy.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)
- Manchester Residential Quality Guide (July 2016) (MRQG)
- Manchester, Salford, and Trafford Strategic Flood Risk Assessment
- Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems
- Manchester City Council Planning and Noise Technical Guidance (2022)
- Air Quality & Planning Technical Guidance (2022)
- Planning and Contaminated Land Technical Guidance (2021)
- Greater Manchester Joint Waste Development Plan Document (GMJWDPD)
- Waste Storage and Collection Guidance for New Developments (2017)
- Hot Food Takeaway Supplementary Planning Document (2017)
- Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards (2020)
- Manual for Streets (2007)
- National design guide & National Model Design Code (2021)
- Outdoor advertisements and signs: a guide for advertisers (2007)

Relevant policy and guidance have been considered within policies of the Core Strategy and Extant UDP.

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.

Conclusion

The proposal is considered unacceptable in this location, in terms of design, scale and massing, detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene. For the above reasons, the proposal will have a detrimental impact and therefore is in opposition with the relevant Core Strategy, Extant UDP, NPPF policies and other material considerations.

Recommendation: Refuse

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the applicant and consultees but were unable to reach a satisfactory conclusion.

Reasons for recommendation to refuse

1. Design, scale, and massing

Due to its design, scale and massing, the proposal would result in an overly dominant and visually obtrusive feature within the area, to the detriment of the general character of the property and the visual amenity of the area within which it is situated. The proposal is therefore contrary to Policies DM 1, SP 1, and EN 1 of the Core Strategy, Policy DC1 of the Extant UDP and guidance within the National Planning Policy Framework.

2. Overbearing impact

Due to its design, scale and massing, in particular the large rear extension, the proposal would have an overbearing impact on the adjacent properties in the area to the detriment of the residential amenity of the neighbouring occupiers. The proposal is therefore contrary to Policies DM 1, SP 1, and EN 1 of the Core Strategy, Policy DC1 of the Extant UDP and guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

81 Wilbraham Road, Manchester, M14 7DN
3 Caxton Road, Manchester, M14 6EE
85 Wilbraham Road, Manchester, M14 7DN
83 Wilbraham Road, Manchester, M14 7DN
37 Whitebrook Road, Manchester, M14 6EH
39 Whitebrook Road, Manchester, M14 6EH
35 Whitebrook Road, Manchester, M14 6EH
5 Caxton Road, Manchester, M14 6EE
36 Whitebrook Road, Manchester, M14 6FD
1 Caxton Road, Manchester, M14 6EE

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA