MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137847/FH/2023
Date registered valid:	15 August 2023
Proposal:	Erection of two storey side extension to form additional living accommodation
Address:	39 Abbeydale Road, Manchester, M40 0AJ
Ward(s):	Moston Ward
Applicant:	Mr M Wan
Agent (if any):	Mr Robert Spavin, Concept Studio Architecture Ltd.
Case officer:	Adam Mitchell Tel: 0161 234 4165 Email: adam.mitchell@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	15 January 2024.

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 07 September 2023

Standard consultations:
Printed: 18 August 2023 Expired: 8 September 2023

Neighbour notifications
Printed: 18 August 2023 Expired: 8 September 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site and Surroundings

The application property relates to a two-storey brick built semi-detached end property located on a residential estate in the Moston area of North Manchester. The property forms part of a wider development of 278 dwellinghouses approved as part of planning permission referenced 062879/OO/NORTH1/01.

Adjoining the site to the north-east is a patch of grassland and railway track owned and operated by Northern Rail, meaning there are no other properties to this side elevation.

The remainder of the area is predominately residential in nature, with the majority of the houses in the surrounding area are of similar design and size.

Description of development

The application seeks planning permission for the erection of two storey side extension to form additional living accommodation.

The proposed side extension extends just over the half the depth of the house, tying in with the rear elevation.

The application follows permission being granted for a similar previous side extension (131263/FH/2021). The difference being a reduce depth and alternative window design to the proposed side elevation and the omission of bi-folding doors to the ground floor rear elevation.

Consultations & Notification Responses

Local residents/occupiers – No representations received.

Highway Services – No objection.

Network Rail – In response to the application as submitted, Network Rail placed a holding objection disputing the positioning of the extension on their land and required the applicant to provide a Basic Asset Protection Agreement (BAPA) due to possible encroachment. This led to a significant delay in the determination of the application.

Following discussions between the applicant and Network Rail, Network Rail have now provided written confirmation of the removal of their objection.

Planning History

131263/FH/2021

Erection of a two-storey side extension to form additional living accommodation. *Approved 8 December 2021.*

079533/FO/2006/N1 (Broadhurst Manor Off St Marys Road)

Substitution of house types and associated changes to parking and amenity areas. *Approved 11 August 2006.*

064313/MO/NORTH1/02

Reserved Matters - Erection of 278 dwellings. *Approved 31 May 2002.*

062879/OO/NORTH1/01

Outline residential development including the proposed means of access. *Approved 19 December 2001.*

Policy

The following policy and guidance is considered relevant to the consideration of this application:

Saved Policy DC1 of the Unitary Development Plan;
-Polices DM1 and SP1 of the Manchester Core Strategy;
-The Guide to Development in Manchester (SPD);
-Place for Everyone (consultation draft);
-National Planning Policy Framework (NPPF).

Issues

Principle

The proposed two-storey side extension to form additional living accommodation is considered acceptable in principle as many people prefer to extend their homes rather than move in order 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.

Residential and Visual Amenity

The proposed extension would be setback from the principal elevation by 0.5metres and include a metre dropdown level. On balance, this is deemed acceptable in terms of residential and visual amenity upon the existing property and neighbouring properties, preventing any terracing effect and maintaining the wider character of the cul-de-sac. As such, the proposal is consistent with the objectives of saved policy DC1.4 of UDP.

The new window and door features are in keeping with the existing fenestration in the property in terms of visual amenity and appear to be acceptable to the character of the property. Additionally, there are no properties to the east side elevation and therefore the first-floor windows situated along this side elevation would pose little additional overlooking or intrusive impacts on the surrounding area. This is considered acceptable against the principles set within DC1.4.

The proposed two storey side extension would be visible within the street scene, however due to its position at the end of cul-de-sac it would not be prominent within the street scene. The proposed development would also allow for amenity space to be retained along the front and rear of the application site, with the existing off-streetcar parking site to be maintained.

On balance, the extension is considered to be subservient to the existing property and is therefore felt that the proposal can be acceptably accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area. The proposal therefore complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policies DC1 and DC1.5 of the Unitary Development Plan.

Height, Scale and Massing

The height of the proposed extension appropriately relates to the height parameters of the existing building. The height of the proposed two-storey extension has tied in with the existing building. It is considered that the proposed extension responds well to the dimensions, design and siting of the neighbouring properties. On this basis, the proposed development has been appropriately related to Core Strategy policies SP1, EN1 and DM1, saved Unitary Development Planning policy DC1 and the National Planning Policy Framework.

Taking this into account, it is considered the development would be consistent with the aspirations of saved UDP Policy DC1 and Core Strategy Policy DM1, proposed developments must provide a positive contribution to neighbourhoods taking into consideration the effects of development upon amenity, living conditions and wellbeing of residents.

Parking

There is off street parking provided by the driveway at the front of the property and this is proposed to be retained.

Waste Management

There is sufficient land to the rear and side of the property for refuse storage without causing any additional residential amenity.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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 external facing materials to be used on the extension hereby permitted shall match those of the primary dwellinghouse in terms of type, colour, texture, scale, pointing and coursing.

Reason - To ensure that 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 Policy DC1 of the Unitary Development Plan for the City of Manchester and Policies DM1 and SP1 The Manchester Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing referenced CSA49_PL_001/C received by the City Council as Local Planning Authority on 15 August 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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted within the exterior of the dwellinghouse, other than those expressly authorised by the granting of this planning permission.

Reason - In the interests of residential amenity, since any additions to the approved dwelling may adversely impact upon visual amenity or the amenity of neighbouring occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Network Rail

41 Abbeydale Road, Manchester, M40 0AJ
35 Abbeydale Road, Manchester, M40 0AJ
37 Abbeydale Road, Manchester, M40 0AJ
27 Beechdale Close, Manchester, M40 0AR
25 Beechdale Close, Manchester, M40 0AR
43 Abbeydale Road, Manchester, M40 0AJ

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA