MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138518/FH/2023
Date registered valid:	8 November 2023
Proposal:	Erection of single storey side and rear extension to form additional living accommodation
Address:	14 Pinetree Street, Manchester, M18 8DH
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Mr Shazzad Hossain
Agent (if any):	Mr Ahmed Choudhry Nada Architects
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	26 December 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 November 2023

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 13 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: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a two-storey, hip roof, bay fronted, semi-detached dwellinghouse of red brick construction. The property benefits from existing amenity space along the front, side, and rear elevations, off-street parking along the front and side elevations, including boundary treatment. There is an existing front porch, single storey lean-to rear extension (approximately 3069mm deep x 4010mm wide x 3562mm high) and a small outbuilding/garden shed along the rear garden. Wheeled bins are stored along the side of the house and in the rear garden. The site shares a common boundary with nos. 31 - 35 Furnival Road along the side elevation and along the rear with Beyer Lodge - a residential nursing home. Whilst 35 Furnival Road has been extended along the rear elevation and there is a large outbuilding sited along its rear garden along the common shared boundary with the application site, the rear gardens of nos. 31 - 35 Furnival Road are relatively deep - (measuring approximately between 12.4 - 15.3 metres deep) and as a result, there is a broad separation distance from these dwellinghouses.

Description of development

The submitted application relates to a proposed single storey side and rear extension to form additional living accommodation.

Clarification was sought from the agent regarding the proposed bin store arrangements given the existing side access would in-part be lost to accommodate the proposed extension. Revised plans and details were subsequently provided, (dated, 11/12/23, 30/11/23). It has been confirmed that wheeled bins would stored in a timber frame bin store, measuring approximately (2850mm wide x 1130mm deep x 1200mmm high) along the side elevation in front of the proposed extension.

The proposed single storey side and rear extension would be sited along the common shared boundary with nos. 33 - 35 Furnival Road and set-back approximately 2161mm from the front building line of the existing front porch. It would maintain a proposed width of approximately 2205mm along the front elevation and would project approximately 5910mm along the common shared boundary with nos. 33 - 35 Furnival Road and then project forward of the existing single storey rear extension approximately 2987mm wide. It would incorporate a combined lean-to pitch to hip roof design, with 1no. widow along the front elevation and 1no. large window along the rear elevation. It is intended to use materials matching the existing dwellinghouse.

The submitted plan would also comprise of an elevational alteration along the rear elevation of the existing single storey rear extension by removing the existing window and introducing 1no. door and 1no. window in this location.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations were received.

2. Environmental Health

Environmental Health officers recommend that the conditions set out below are attached to any planning approval.

a) Contaminated Land* (Watching brief condition)

In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety.

*Their records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

b) GAS01 New applications for extensions

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'. The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 8: Promoting healthy and safe communities.
- Chapter 12: Achieving well-designed places.

2. 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.

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 - It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

- Policy DM 1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- Saved Policy DC1 (Residential Extensions) is considered relevant.

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

- Chapter 2: Design

ISSUES

Clarification was sought from the agent regarding the proposed bin store arrangements given the existing side access would be lost to accommodate the proposed extension. Revised plans and details were subsequently provided, (dated, 11/12/23, 30/11/23).

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey side and rear extension) - In light of the revised plans (dated, 11/12/23) and given the existing context involving built form along the common shared boundary with nos. 31 - 35 Furnival Road, and due to the fact that the proposed development would be contained within the curtilage of the application site - (correspondence from the agent dated, 30/11/23) and the proposed extension would be single storey, and the proposed rearward projection would not exceed the existing single storey rear extension - (approximately 3069mm deep) and due to the fact that proposed rearward projection would be within the guidance set out in saved policy DC1 regarding rearward extensions, for these reasons and on balance, and subject to conditions, the proposed extension is considered to be acceptable in terms of its impact on residential amenity as there are no overbearing, overshadowing or loss of privacy impacts.

Impact of works (elevational alteration along the rear elevation of the existing single storey rear extension by removing the existing window and introducing 1no. door and 1no. window in this location) - The nature of this proposal would broadly constitute householder general permitted development and therefore an application for planning permission would not usually be required. Therefore, given this fallback position, it is not considered that the proposed elevational alteration would not unduly impact on the character of the property or general area.

Impact of works (design and appearance) - In light of the revised plans (dated, 11/12/23) and correspondence from the agent (dated, 30/11/23), it is not considered that the revised proposal would unduly harm the character of the building or the general area. It is also intended to match materials with that of the existing house, although a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (waste management) - As the existing arrangement would be affected, clarification has been provided in terms of the proposed storage and screened location for wheeled bins; revised plans (dated, 11/12/23) and correspondence from the agent (dated, 30/11/23).

Impact of works (car parking) - Although the existing side access would in-part be lost to accommodate the proposed extension; the front driveway would be unaffected.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and no comments or objections have been received in response to this 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 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

In this instance, the initially submitted plan has been slightly revised in the interest of residential amenity and revised plans and clarification subsequently submitted, (dated, 11/12/23, 30/11/23). The local Planning Authority in its decision has had due regard for the National

Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 08 November 2023.

o Location Plan and Site Plan with application site edge in red; DRAWING NUMBER A101, REV P2, received by the city council as the local planning authority on 08 November 2023.

o EXISTING GA & SITE PLAN, 23-1184, dwg no (01)001, revision PL0, received by the city council as the local planning authority on 08 November 2023.

o Correspondence from agent dated, 30/11/2023.

o EXISTING & PROPOSED GA ELEVATIONS, FLOOR/SITE PLANS, 23-1184, dwg no (02)001, revision PL1, received by the city council as the local planning authority on 11 December 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Core Strategy (July 2012).

3) The external facing materials to be used on the extension hereby approved shall match those of the original dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

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 (1995), and policy DM1 of the Core Strategy (July 2012).

4) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas; pursuant to policies EN18, DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City Manchester (1995).

5) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety; pursuant to policies EN18, DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City Manchester (1995).

6) 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 windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on: EXISTING & PROPOSED GA ELEVATIONS, FLOOR/SITE PLANS, 23-1184, dwg no (02)001, revision PL1, received by the City Council as the local planning authority on 11 December 2023.

Reason - In the interests of residential amenity pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Core Strategy (July 2012).

7) Wheeled refuse bins shall be stored within the side garden, in the specified location and enclosed bin store as shown on: EXISTING & PROPOSED GA ELEVATIONS, FLOOR/SITE PLANS, 23-1184, dwg ref: (02)001, revision PL1, received by the City Council as the local planning authority on 11 December 2023, and this arrangement shall remain so in perpetuity, and be maintained.

Reason - In the interests of visual and residential amenity, pursuant with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies EN19, and DM1 of the Manchester Core Strategy (July 2012).

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

35 Furnival Road, Manchester, M18 8DG
31 Furnival Road, Manchester, M18 8DG
Beyer Lodge, 65 Taylor Street, Gorton, Manchester, M18 8DF
12 Pinetree Street, Manchester, M18 8DH
8 Pinetree Street, Manchester, M18 8DH
10 Pinetree Street, Manchester, M18 8DH
11 Pinetree Street, Manchester, M18 8DH
33 Furnival Road, Manchester, M18 8DG
29 Furnival Road, Manchester, M18 8DG
37 Furnival Road, Manchester, M18 8DG
13 Pinetree Street, Manchester, M18 8DH

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA