

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137618/FH/2023
Date registered valid: 14 September 2023
Proposal: Erection of a two storey side extension to create additional living accommodation,
Address: 139 Victoria Road, Manchester, M14 6DA
Ward(s): Old Moat Ward

Applicant: Mr & Mrs Walker
Agent (if any): Mr Ian Birchall, IPB Architecture
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 1st November 2023



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 26 September 2023
Standard consultations:
Printed: 19 September 2023 Expired: 10 October 2023
Neighbour notifications
Printed: 19 September 2023 Expired: 10 October 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

The site/building relates to a two storey semi detached property in the Old Moat ward area of Manchester. The site features enlargements to the rear by way of part single part two storey rear extensions and a single storey detached outbuilding along the shared boundary with the adjacent property no. 137 Victoria Road. Hardstanding is to the front providing off road car parking, access along the side and garden to the rear. Double bay windows are featured at the front of the property together with a front porch.



Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

The site is located within a predominantly residential area comprising moderately sized semi detached properties.

Description of development

The applicant is seeking planning permission for the erection of a two storey side extension to create additional living accommodation.



Consultations & Notification Responses

Local residents, as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. No comments have been received in respect of this application.

Flood Risk Management

As per the FRA, the proposed extension is within Flood Zone 2 and EA Flood Warning Area. Floor levels should be set no lower than existing floor levels of the existing property.

The site is within Flood Zone 2. The applicant is encouraged to consider signing up for Environment Agency Flood Warnings - <https://www.gov.uk/sign-up-for-flood-warnings>

The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. We recommend considering green SuDS components to mitigate for any loss of permeable area.

Policy and 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, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

- 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 Policy EN1 - Design Principles
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

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 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.

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

The City Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that 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 and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

Planning reference number: 026885 - Two storey rear extension to form enlarged kitchen with bedroom over - this application was approved on 24.06.1986

Plans considered as part of this proposal

Received on 20th July 2023 numbered A1-01 Existing Plans and Elevations
Received on 20th July 2023 numbered A1-02 Proposed Plans and Elevations
Received on 20th July 2023 numbered A4-01 Proposed Location Plan

Residential Amenity

This property has previously undergone enlargements to the rear by way of part single part two storey rear extension. This application would see the addition of a garage to the side with an additional bedroom above with ensuite facilities. In terms of its immediate surroundings, the property is neighboured by similar sized dwelling houses with front and rear gardens.

The proposal would be set back from the principle elevation of the property measuring 1.0m extending rearwards to a length of 6.0m along the shared boundary with the neighbouring property no. 137 Victoria Road. The extension will end 700mm approximately from the original rear wall of the property and 3.9m from the rear wall of the existing rear extension. The roof would be hipped to reflect the existing style of roof with a set down from the original ridge height. A garage door to the front ground floor and double doors are proposed on the rear with windows to the front and rear on the first floor.

The City Council considers that the proposal does not lend itself to a suitable gap to the boundary to overcome terracing. Therefore, negotiations took place with the applicant/agent to provide a suitable set back on the first floor to help alleviate terracing. The applicant/agent chose to retain the 1.0m gap from the principle elevation which the City Council considered to be unsuitable. The applicant/agent referenced several other properties not far from the application site referencing, a similar layout as the current site, however, it was found that some of the extensions had been constructed outside of planning approval, some others were historical and others shared a different relationship to that of the application site. Overall, the City Council does not accept that the previous constructions outside of planning approval should set the tone for further unacceptable development.

It is considered that given that there is no gap to the shared boundary and the fact that there is an insubstantial set back from the front wall of the property, this would provide a detrimental impact within the street scene and therefore it is believed that should the proposal be built; the visible appearance of the extension would result in an unbroken and unrelieved "terraced" effect especially should the neighbouring property wish to build the same.

Therefore, it is considered that the proposal would conflict with UDP saved policy DC1 for residential extensions and Core Strategy policies SP1 and DM1 and NPPF.

Scale and Massing

The size of the extension is considered unacceptable within the surrounding environmental context and is believed to provide an overbearing impact upon the residential amenities of surrounding properties. It is therefore considered that the design, scale and appearance of the proposed extension is unsatisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design and Appearance

It is considered that the proposal has not been sited and designed appropriate to the character of the area and therefore does not accord with the principles for residential extensions set out in saved UDP policy DC1 and Core Strategy Policies DM1, SP1 and EN1.

Car Parking

Existing car parking arrangements would be unaffected by this proposal as off street car parking would still be retained to the front of the property.

Bins

The proposal includes a garage at the side and therefore is assumed that the refuse would be stored in front of or within this area.

Conclusion

For these reasons, it is considered that the proposal would have an unacceptable impact to the detriment of neighbouring occupiers. In light of this, the proposed extension is considered to be unacceptable in terms of their appearance and would be detrimental to visual and residential amenity within the area contrary to saved UDP policy DC1 and Core Strategy Policies DM1, SP1 and EN1.

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: REFUSE

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed two storey side extension by virtue of its design, siting, and scale would have a detrimental impact on visual amenity and the character of the street scene. The resulting appearance would be an extension which will have an inadequate relationship with number 137 Victoria Road, resulting in a terracing effect. The proposal will be out of character with the street scene and will have a negative impact on visual amenity which is contrary to the provisions of saved policies DC1 of the Unitary Development Plan for the City of Manchester (1995), policies SP1 and DM1 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

36 Delacourt Road, Manchester, M14 6BX
78 Victoria Road, Old Moat, Manchester, M14 6BZ
76 Victoria Road, Old Moat, Manchester, M14 6BZ
38 Delacourt Road, Manchester, M14 6BX
141 Victoria Road, Old Moat, Manchester, M14 6DA
137 Victoria Road, Old Moat, Manchester, M14 6DA

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