

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136657/FH/2023

Date registered valid: 3 April 2023

Proposal: Erection of a part single, part two storey rear extension to provide additional living accommodation.

Address: 51 Morley Avenue, Manchester, M14 7HB

Ward(s): Fallowfield Ward

Applicant: Mr Amjad Tahir, AFR Studio Ltd

Agent (if any): Mr Amjad Tahir, AFR Studio Ltd

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14th August 2023



Application details

Type of application:	Full Householder Application
Development type:	Householder
Date of site visit:	Site photos by agent, no access to rear
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	Printed: 20 June 2023 Expired: 4 July 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

This site relates to a two storey semi detached property in the Fallowfield Ward area of Manchester. The property is situated at the head of a cul de sac with a circular turning head which has resulted in the property being setback slightly to the adjacent property no. 53 Morley Avenue. The property is of red brick and render with sloping gable projection to the front elevation. Amenity space is available to the front with access along the side which leads to a large garden at the rear. Off street car parking is available at the front of the property.



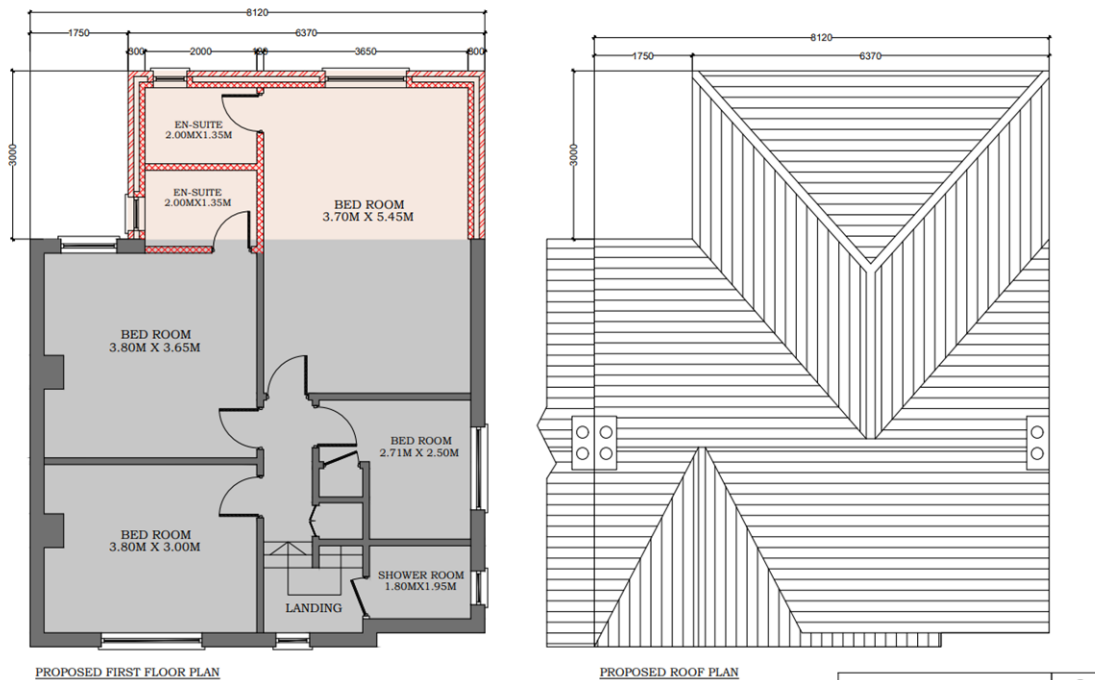
Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in character varying in type and design.

Description of development

The applicant is seeking planning permission for the erection of a part single, part two storey rear extension to provide additional living accommodation.



Consultations & Notification Responses

Local residents - as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. Three objections have been received as a result of this proposal. Summary of comments as follows:

- Loss of light to the main habitable rooms, namely the home office, living room and master bedroom.
- All direct light to these rooms will be eclipsed from 1pm summer time and nearly no light at all in winter.
- It will completely overshadow and block light to the most used rooms and make them and the patio office effectively cupboards.
- The houses are aligned North/South and this removes all afternoon sun from a south facing plot/house.
- Parking is already a huge problem due to the shape of the road on the avenue. Increased visitors and tenants will add to this .
- The quality of the finish on the half built 3 m high wall done so far is terrible and of poor workmanship. No mention in plans of proposed finish.
- My garden is full of mature trees and hedges many of them original to the house which is from the 1930's. The existing work has been built into my hedge, causing damage, and the proposed first floor window would be touching the mature Malus from my garden. There are at least 7 trees that are in the fall line of the proposal some over 100 feet high and literally the tallest in the local area. This has not been declared on the application.
- The effect on the local wildlife and bio-diversity in both my garden and the local neighbourhood will be devastating.
- The garden supports three species of bats, Privet Hawk Moths, ground nesting bees as well as nearly 20 bird species and numerous butterfly and moths. The bats use the undeveloped back gardens of this side of Morley Avenue to hunt along the privet hedges at dusk.

- The extension would prevent the locals from viewing this spectacle and disrupt the bats natural behaviour. My main point is that the proposal goes against the values of the Manchester city council Biodiversity and wildlife strategy 2022. Gardens are a vital natural resource as a carbon sink and create wildlife corridors between the local parks.
- Health and safety on the site is non-existent. Pallets have been nailed together to create ladders
- The proposed flat roof is inadequate to prevent flooding onto the patio of my property due the pitch and the prevailing winds, especially in winter.
- The current works completed under permitted development have included the removal of fence post foundations, drilling into party wall without notification and removal of the shared downpipe, causing flooding to my patio over several months.
- It is just going to be a big brick wall that I will be looking out to with a not pleasant looking flat roof.
- Will impact on the privacy within my garden as they will have a lot of windows which could overlook part of my garden.
- This extension will impact on the amount of light received in my garden.
- At the moment I get lots of light from early morning until the late afternoon, with this extension I will lose a lot of sunlight in the mornings as the building will block the morning sunlight. It will also be a very unpleasant view out of my bedroom windows.
- As the property at the moment already has 4 bedrooms it is my belief that they are planning on turning the property into a HMO and as the avenue is occupied by families or elderly residents I strongly believe that this would not be suitable for the avenue.

Further notification responses to renotification of amended proposal

- Proposed window on the upper left side elevation would not only look directly into my garden but also my bedroom. As bathrooms require an extractor fan this is not shown on plans and the noise would be excessive.
- The proposed downpipe would not cope with the volume of water as it is shared between both properties. We already have damp from the removal of this bottom section and it is discharging onto the currently unfinished extension and the new adjoining wall.
- The higher roof ridge line would block even more light from my main living areas as well as the previous comments on environmental impact.

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 EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

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

Principle

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 acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed extension is deemed to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

There are no previous planning applications relating to this site.

Residential Amenity

The applicant seeks planning permission for the erection of a first-floor rear extension to provide additional living accommodation. The site features a ground floor rear extension partially constructed under permitted development. Concerns have been raised by a local resident with regards to the loss of light, overshadowing, parking, impact on wildlife and biodiversity, view from window of flat roof and possible HMO. The City Council shared some of the concerns raised, however, after negotiations with the applicant/agent, the proposal was amended and accepted by the City Council as a replacement to the initial submission.

Permission is sought to erect a first-floor extension above the existing rear extension. The extension would project 3.0m from the original rear wall of the property in line with the existing ground floor extension. The extension would occupy the some of the rear wall measuring 6.370m in width retaining 1.750m to the shared boundary with the adjoining semi-detached property no. 49 Morley Avenue. The extension would have a hipped roof reflecting the existing roof form of the existing dwellinghouse.

Windows are proposed on the side and rear elevation, however, although the window on the side is to serve an en-suite, a condition for obscure glazing has been attached to ensure that there is no overlooking or loss of privacy given by the location of this window. In terms of the proposed windows on the rear elevation facing the rear garden of the application site, it is not considered that there would be any overlooking or loss of privacy, especially as the principle of windows at first floor are already established on the rear elevation.

Although there would be a limited amount of overshadowing last thing in the evening to property no. 49 Morley Avenue due to the orientation of the property, the gap of 1.750m retained to the shared boundary would help to alleviate this and therefore, it is believed that the proposal would not provide a significant amount of overshadowing or loss of light which would warrant the refusal of this scheme. Concerns were raised by a local resident in relation to the property possibly being used as a HMO in the future, however, in accordance with the Article 4 Direction planning permission is required for change of use from a C3 Class Dwelling house to a C4 HMO in Manchester.

Overall, it is considered that the proposal accords with the principles for residential extensions set out in saved UDP policy DC1, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

Siting, scale and massing

The size and footprint of the proposed extension is not believed to provide an overbearing impact upon the residential amenities of surrounding properties.

It is therefore considered that the scale and mass of the proposed extensions are satisfactory and are considered 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

The design of the proposal would be in keeping with the existing and surrounding properties in the area and in terms of the proposed materials it is intended to use brick and roof tile to match the existing as specified in the application form. The design is detailed as what is normally expected of such a structure and would not unduly impact upon residential amenity or the character of the area.

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

Refuse bin storage

The storage of refuse bins are not affected by the proposal, as there would be continued access through to the rear garden, which accords with policy EN19 of the Core Strategy.

Parking

Concerns were raised regarding the parking along the avenue due to the increase in the footprint of the property. There is off street parking provided by the driveway at the front of the property, which accords with policy DM1 of the Core Strategy.

Other matters

Concerns were raised by a local resident in relation to other matters which are outside of planning control and therefore are not considered as part of this application.

Conclusion

The proposal is considered to be acceptable in this location in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, and there are no material considerations of sufficient weight to indicate otherwise.

It is considered that the proposal would not give rise to any undue loss of amenity, loss of light or loss of privacy to neighbouring occupiers, therefore, the proposal is considered to accord with saved UDP policy DC1, policies SP1 and DM1 of the Core Strategy.

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: Approve

Article 35 Declaration

Positive and proactive working 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. The application has been determined in a timely manner and in accordance with the policies within the Development Plan.

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:

Received on 3rd April 2023 numbered A-02 Proposed Ground floor and existing first floor

Revised drawings received on 19th June 2023 numbered A-03 Proposed First Floor Plan and Roof Plan

Revised drawings received on 19th June 2023 numbered A-05 Proposed Front, Rear and Side elevations

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy.

4) Before first occupation the windows in the side elevation facing no. 49 Morley Avenue 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.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

160 Wilbraham Road, Manchester, M14 7EN

158 Wilbraham Road, Manchester, M14 7EN

156 Wilbraham Road, Manchester, M14 7EN

53 Morley Avenue, Manchester, M14 7HB

49 Morley Avenue, Manchester, M14 7HB

43 Morley Avenue, Manchester, M14 7HB

34 Morley Avenue, Manchester, M14 7HB

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

Area Team Boundary - Name: SOUTH AREA