

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137244/FO/2023

Date registered valid: 22 June 2023

Proposal: Erection of single storey extension to form office following demolition of existing garage

Address: 10 Garthorp Road, Manchester, M23 0AS

Ward(s): Brooklands Ward

Applicant: Mr Hamit Bujupi Arkos -It Ltd

Agent (if any):

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 15.08.2023

Application details

Type of application: Full Application Consent

Development type: Minor Office

Date of site visit: 05 June 2023

Standard consultations:

Printed: 30 June 2023 Expired: 21 July 2023

Neighbour notifications

Printed: 30 June 2023 Expired: 21 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application site relates to a two storey semi detached dwellinghouse situated within a small cul-de-sac with properties fronting onto a grassed area. The property benefits from a rather large plot size with a two storey side and porch extension build under planning ref. 085671/FH/2008/S2. The property benefits from a grassed front and rear garden area and an existing single storey garage adjacent to the two storey side extension. Boundary treatment in the form of high vegetation screening and timber fencing occupy the shared and rear boundary treatment.

The immediate area is predominantly residential in nature mainly comprising terraced and semi detached properties.

Description of development

Planning permission is sought for the erection of a single storey side extension to form office following demolition of existing garage.

The proposed extension which incorporates a flat roof, would occupy the remaining amenity space between the dwelling and the south eastern boundary with Garthorp Road.

The proposed extension would infill this space with approx. dimensions of Height 2.9m x Width 5.5m x Depth 6.5m. The rear of the extension would be adjacent to the shared boundary with

no. 8 Garthorp Road with the front elevation overlooking the front garden and the grassed area in front of the host property.

The proposed extension would include bi folding doors across the front elevation and a fascia signage above the entrance. The extension would be finished in white render to match the existing dwelling.

Consultations & Notification Responses

Local residents were notified and no responses were received.

Environmental Health had no objections to the proposal and recommended a waste storage condition be attached to any approval.

Highways had no objections to the proposed scheme.

Planning History

085671/FH/2008/S2 Erection of two storey side extension and porch to the front to form additional living accommodation. Application approved 26.02.2008

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and

crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC1 provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP 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 a severe existing on-street parking problem.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 12 'Achieving well-designed places' states at paragraph 130:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 and states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date development plan, permission should not normally be granted.

In this case, it is believed that the proposed side extension would have a harmful impact to the visual amenity of the local area. Principally, as a consequence of its position, size, massing and bulk, given its relationship with both neighbouring properties and the streetscene.

As such, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance. The issues are outlined further below.

Visual Amenity

Saved Policy DC1 of the Unitary Development Plan states that in determining planning applications for extensions to residential properties, the Council will amongst other criteria, have regard to the general character of the property, the effect upon the amenity of neighbouring occupiers and the overall appearance of the proposal in the streetscene. Structures should not be out of character with the style of development in the area by virtue of its design or use of materials.

Policies DM1 and SP1 of the Core Strategy also indicate that consideration should be given to the effects new development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing, and materials.

The Council's policy is supported by the National Planning Policy Framework (NPPF)

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.

In this case with reference to the policy and guidance outlined, it is the Council's view that given the prominent position the proposed extension is situated and the existing relationship of the host building with neighbouring buildings and the streetscene, the proposed single storey side extension would be excessively large and bulky, creating an incongruous feature that is out of character for the local area.

The proposed extension would occupy the entire side amenity space between the host property and the south eastern boundary of Garthorp Road and would become a large expanse of built form in a prominent position adjacent to a public highway, representing an undesirable, intrusive feature within the street-scene, which would be detrimental to the visual amenity of occupiers of surrounding properties. Due to its size and excessive bulk, this would create a negative, unattractive and imposing feature, which would appear at odds with the streetscene and character of the area.

On this basis, it is considered that in terms of visual amenity, the proposed development does not represent a satisfactory design and would not be consistent with objective contained within saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy or guidance contained within the National Planning Policy Framework (NPPF).

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

- 1) The proposed single storey side extension by reason of its siting, excessive scale, bulk, and appearance, would form an over-dominant and visually prominent feature, to the detriment of visual amenity and the character of the streetscene. The proposed development is therefore contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

7 Garthorp Road, Manchester, M23 0AT
11 Garthorp Road, Manchester, M23 0AT
24 Garthorp Road, Manchester, M23 0AS
9 Garthorp Road, Manchester, M23 0AT
5 Garthorp Road, Manchester, M23 0AT
15 Garthorp Road, Manchester, M23 0AT
13 Garthorp Road, Manchester, M23 0AT
8 Garthorp Road, Manchester, M23 0AS
22 Garthorp Road, Manchester, M23 0AS
20 Garthorp Road, Manchester, M23 0AS
18 Garthorp Road, Manchester, M23 0AS
16 Garthorp Road, Manchester, M23 0AS
14 Garthorp Road, Manchester, M23 0AS
12 Garthorp Road, Manchester, M23 0AS
6 Garthorp Road, Manchester, M23 0AS

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) -
Area Team Boundary - Name: SOUTH AREA