MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137748/FH/2023
Date registered valid:	2 August 2023
Proposal:	Erection of single storey rear extension following demolition of existing garage.
Address:	3 Montgomery Road, Manchester, M13 0PW
Ward(s):	Longsight Ward
Applicant:	Mr Aziz Ahmed
Agent (if any):	Mr Talha Siddiqui
Case officer:	Harriet Aidoo Tel: 0161 234 4532 Email: harriet.aidoo@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	25 September 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 30 August 2023

Standard consultations:
Printed: 10 August 2023 Expired: 31 August 2023

Neighbour notifications
Printed: 10 August 2023 Expired: 31 August 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 building is a bay-fronted, pitched roof, red-brick facing, 2-storey semi-detached dwellinghouse. There is shared access with no. 5 Montgomery Road along the gable elevation, which leads to a gated access to the rear garden of each property. There is an outbuilding along the rear garden of the application site which runs along the significant length of the common shared boundary with no. 5 Montgomery Road. The minimum depth of existing rear garden is approximately 9.9 metres. The application site lies close to the junction of Montgomery Road and Hamilton Road (which runs the east of the site). Although the surrounding area is predominantly residential there is school and Sure Start Centre direct to the north of the application site.

Description of development

The submitted plan relates a proposed a single storey rear extension following demolition of existing garage.

It is intended to demolish the existing outbuilding along the rear garden of the application site which runs along the significant length of the common shared boundary with no. 5 Montgomery Road as part of the submitted plan.

The proposed extension would serve as an extended kitchen and dining area and it would be sited along the common shared boundary with no. 1 Montgomery Road and it would not project beyond the gable elevation of the application building and would measure approximately 4.3 metres deep x 6.4 metres wide x 4 metres maximum height. It would incorporate a lean-to pitch roof design, with windows and door with stepped access along the rear elevation - (which is consistent with the existing arrangement), including 2no. windows along the roof elevation. It is intended to use external facing materials matching the existing house.

Consultations & Notification Responses

1. Local residents

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

2. HS2 Ltd comments

HS2 Ltd confirm that the red line location plan boundary falls within sub-surface safeguarding for Phase2b of HS2 and above proposed sub surface tunnels. However, after reviewing the proposal, it will not affect HS2 works in that location.

The applicant is advised that the application site falls near land that may be required to construct and/or operate Phase 2b of a high speed rail line from Crewe to Manchester(Western Leg), known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. In addition, as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme. More information can be found at:

https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Forganisations%2Fhigh-speed-two limited&data=05%7C01%7Cplanning%40manchester.gov.uk%7Cf07b60ac558647bc94c108db99b52e55%7Cb0ce7d5e81cd47fb94f7276c626b7b09%7C0%7C0%7C638272775667393773%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=9V5M925MBp8kNJsWSvIUvbcS3leGKPUe5RwnCm7x7%2Fo%3D&reserved=0

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. 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)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. The following saved policies are still considered of relevance.

- Policy DC1 - Residential Extensions.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principles have been satisfactorily incorporated into the development.

ISSUES

Principle of development

The principle of the proposal 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 rear extension) - Given the pre-existing contextual relationship along rear elevation, coupled with the built form along the rear gardens of the immediate properties; specifically, nos. 1 and 5 Montgomery Road and along the common shared boundaries and due to the fact that the proposed extension would be single storey thereby mitigating any adverse impact from undue massing, and overall, the proposed rearward projection at 4300mm, would only be (650mm) in excess of saved policy DC1.3 (a) regarding rearward extensions, and in light of the sizable amenity space that would be retained, it is considered the proposal could be accommodated in this location in this instance, as there are no overbearing, overshadowing or loss of privacy impacts. It is however recommended further conditions are attached limiting any further windows and door openings and the outbuilding along the rear garden to be demolished. This is considered necessary to safeguard residential amenity.

Impact of works (Design and appearance) - In terms of design and appearance, the proposal would conform with similar planning approvals along this road, and it is intended to use materials matching those of the existing house which is considered acceptable in design terms. However, a condition has been attached to ensure that materials are adhered to.

Impact of works (Car Parking) - The existing arrangement would be unaffected.

Impact of works (Waste Management) - The existing arrangement 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 (July 2021); policies SP1, DM1, EN1, T2 and EN19 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

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 assessing the merits of a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, the local planning authority had no 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, received by the City Council as the Local Planning Authority on 02 August 2023.

o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 02 August 2023.

o Existing Plans and Elevations, received by the City Council as the Local Planning Authority on 02 August 2023.

o Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 02 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 Core Strategy for the City of Manchester (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

3) Before any above ground works of the extension hereby approved, the existing outbuilding (annotated as "Garage") sited in the rear garden, along the common shared boundary with no. 5 Montgomery Road, and as shown on: Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 02 August 2023, shall be removed in its entirety. No further outbuildings can be erected without permission from the City Council as local planning authority.

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

4) The materials used to construct the external elevations of the development hereby approved shall match the existing dwellinghouse, in terms of colour, type, scale and method of coursing and pointing and as stated on the approved drawings and submitted information.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) 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: Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 02 August 2023.

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

6) 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.

Informative

1) The applicant is advised that the application site falls near land that may be required to construct and/or operate Phase 2b of a high speed rail line from Crewe to Manchester (Western Leg), known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. In addition, as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme. More information can be found at:

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Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

5 Montgomery Road, Manchester, M13 0PW
2 Buller Road, Manchester, M13 0PP
1 Montgomery Road, Manchester, M13 0PW
6 Buller Road, Manchester, M13 0PP
4 Buller Road, Manchester, M13 0PP

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA