

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135397/FH/2022
Date registered valid: 16 November 2022
Proposal: Erection of part single, part two storey side extension to form additional living accommodation
Address: 6 Gatling Avenue, Manchester, M12 5SX
Ward(s): Levenshulme Ward

Applicant: Mr. Maqsood
Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 3 July 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 December 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 22 November 2022

Expired: 13 December 2022

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:

Tree Preservation Order:

Description of site / building / area

This application relates to a semi-detached dwellinghouse in a mostly residential area. The property also has an existing single storey flat roof rear extension, which is used as a kitchen/living room and which projects approximately 2887mm from the rear building line of the original dwellinghouse. The application building benefits from amenity space along the front, side and rear elevations. The existing access along the side elevation is approximately 2.3 metres wide: the rear garden measures approximately 8.2 metres wide x 5.5 metres deep, and the front garden approximately 8.2 metres wide x 4.1 metres deep. There is an existing outbuilding in the rear garden along the common shared boundaries with no.8 Gatling Avenue and no.5 Sutcliff Avenue, which is largely of timber construction and is used as storage. Similar extensions have been consented along the street scene, for example, (reference numbers: 117616/FH/2017, 116858/FH/2017, 120577/FH/2018)

Description of development

The submitted plan relates to the proposed erection of part single, part two storey side extension to form additional living accommodation.

Concerns were raised with the planning agent regarding cumulative impact from the proposed part single, part two storey side extension, together with the combined existing rear extension, and existing outbuilding along rear elevation - of which no details have been provided, and the resultant significant loss of rear amenity space, was considered to be overdevelopment of the application site. In addition, it was unclear how on-site car-parking and refuse management arrangements would be catered for as the existing side access would be lost the accommodate the proposed extension.

Following negotiations, the initially submitted plans have been revised in the interest of residential amenity, and revised plans subsequently submitted, (dated 10/01/23). The revised plans would comprise of:

- Details have been provided regarding the existing outbuilding in the rear garden. The revised drawings propose to demolish the dilapidated outbuilding to improve the rear garden amenity space.
- Clarification has provided in terms of on-site car-parking arrangements.
- Clarification has provided in terms refuse management arrangements (05/04/23).

The proposed part single, part two storey side extension would be flush with the front building line of the original dwellinghouse at ground floor level and set back from the frontage by 1.5 metres on the upper floor, with a lower roof height, compared to the existing house. The side extension would run along the side elevation of the property and the common shared boundary with no.4 Gatling Avenue, projecting 1.5 metres beyond the existing rear wall, at first floor level above the existing ground floor extension, and come forward of the first floor common shared boundary with no.8 Gatling Avenue approximately 2.6 metres wide, and come forward of the rear elevation of the original house. The first floor rear extension element would retain a separation distance of approximately 5.7 metres from this boundary. The proposed part single, part two storey side extension would have 1no. window along the ground floor front elevation, 1no. window along the first floor front elevation, 1no. window along the ground floor rear elevation and 1no. window along the first floor rear elevation. The rearward projection of the ground floor element would not exceed that of the existing single storey rear extension, approximately 2.9 metres. The proposed single storey element would have a height of 3.1 metres, and this element would have a lean-to pitched roof design along the ground floor level and pitched roof design at first floor and the proposed extension would be constructed in materials to match the existing.

Consultations & Notification Responses

1. Local residents

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

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 has been amended and updated. 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 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.

- Saved Policy DC1 for Residential Extensions is still considered of relevance.

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

Following negotiations, the initially submitted plans have been revised in the interest of residential amenity, and revised plans subsequently submitted, (dated 10/01/2023). Further clarification has also been subsequently provided, correspondence (dated, 05/04/23).

Principle

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

Residential and visual amenity

Impact of works (part single, part two storey side extension) - In light of the revised plans, (dated, 10/01/2023) and correspondence (dated, 05/04/23), given the pre-existing contextual relationship along the boundaries, and due to the fact that the existing outbuilding along the rear garden would be demolished, and due to the fact that the proposed first floor side extension element would be set approximately 1.5 metres along the front elevation, and the proposed rearward projection along the first floor would not exceed (1.5 metres) and the proposed ground floor rearward projection would be flush with the existing single storey rear extension (approximately 2866mm deep), and given the recent planning approvals along the street scene, it is considered that proposal is unlikely to be unduly overbearing, overshadowing, or adversely compromise the privacy of the immediate neighbouring occupiers; specifically, those at nos.4 and 8 Gatling Avenue, and no.5 Sutcliff Avenue; and therefore on balance, and subject to planning conditions, it is considered that the revised proposal could be accommodated in this location in this instance. It is however recommended that further conditions are attached to any recommendations for planning approval requiring the removal the existing outbuilding and restricting any further outbuildings and extensions, in addition to restricting any further window/door openings, and the proposed storage location of wheeled bins to be kept in perpetuity in order to safeguard residential amenity.

Impact of works (Design and appearance) - In design terms, it is considered that the revised proposal (dated, 10/01/2023) and correspondence (dated, 05/04/23) would not unduly harm the character of the building or the general area and the proposed extension would reflect similar developments along the street scene. It is also intended to match materials with that of the existing dwellinghouse. However, a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (Car parking) - The existing arrangement would in-part be affected as the existing access along the side elevation would be lost to accommodate the proposed extension. In addition, although the existing front driveway (depth approximately 4.1 metres) would be retained; and although the depth is less than Manchester City Council's minimum standards at 6 metres; however, it is pre-existing and it could still accommodate a small vehicle, when parked vertically, without any overhang onto the public right of way; and therefore, this short fall would not warrant the refusal of planning permission in this location in this instance. In

addition, there are no parking restrictions along Gatling Avenue, and therefore a slight increase in on-street car parking could be accommodated in this location in this instance.

Impact of works (Waste management) - The existing arrangement would be affected as the existing access along the side elevation would be lost to accommodate the proposed extension. It is intended provide a bin store along the front elevation (proposed bin store measurements: Length: 2660mm, depth: 800mm and height: 1350mm), (revised plans, dated 10/01/2023 and correspondence dated 05/04/23). Bins would be stored in this location and brought to the back of pavement on collection days.

Conclusions - For the reasons outlined above, and subject to planning conditions, it is not considered that the revised proposal would be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity; pursuant with The National Planning Policy Framework; The Manchester Core Strategy Development Plan Document Policies EN1, DM1, SP1, EN19, T2, EN14; Saved Unitary Development Plan Policy DC1; and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan, and other material considerations. In this instance, the initially submitted plans have been revised in the interest of residential amenity, and revised plans subsequently submitted, (dated 10/01/2023). Further clarification has also been subsequently provided, correspondence (dated, 05/04/23). The local planning authority had no other concerns to raise with the agent but have attached the relevant conditions.

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:

- Householder Application for Planning Permission for works or extension to a dwelling, received by the City Council as the Local Planning Authority on 07 November 2022.
- Location Plan, with application site edged in red, received by the City Council as the Local Planning Authority on 07 November 2022.
- Existing Floor Plans, drawing number PL_002, received by the City Council as the Local Planning Authority on 07 November 2022.
- Existing Elevations, drawing number PL_003, received by the City Council as the Local Planning Authority on 07 November 2022.
- Proposed Floor Plans, drawing number PL_004, received by the City Council as the Local Planning Authority on 07 November 2022.
- Proposed Elevations, drawing number PL_005, received by the City Council as the Local Planning Authority on 07 November 2022.
- Existing and Proposed Site Plan, drawing number PL_006, rev A, received by the City Council as the Local Planning Authority on 10 January 2023.
- Correspondence dated, 05/04/23.

To ensure that the development is carried out in accordance with the approved plans; 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 (2012).

3) The external facing materials to be used on the development hereby permitted shall match those of the existing building in terms of type, colour, texture, scale, pointing and coursing and as stated on the submitted information and approved drawings.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

4) Before any above ground works in connection with the extension hereby approved commence, the existing outbuilding sited along the rear garden, along the common shared boundaries with no.8 Gatling Avenue and no.5 Sutcliff Avenue, and as shown on: Existing and Proposed Site Plan, drawing number PL_006, rev A, received by the City Council as the Local Planning Authority on 10 January 2023, shall be removed in its entirety.

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 DM1 and SP1 of Manchester's Local Development Framework: 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 outbuildings, sheds or extensions shall be erected without the express consent of the City Council as the 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 DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

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:

- Proposed Floor Plans, drawing number PL_004, received by the City Council as the Local Planning Authority on 07 November 2022.
- Proposed Elevations, drawing number PL_005, received by the City Council as the Local Planning Authority on 07 November 2022.
- Existing and Proposed Site Plan, drawing number PL_006, rev A, received by the City Council as the Local Planning Authority on 10 January 2023.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

7) Wheeled bins shall be stored along the front garden, in the specified location and enclosed bin store and as shown on: Existing and Proposed Site Plan, drawing number PL_006, rev A, received by the City Council as the Local Planning Authority on 10 January 2023 and only brought to the back of pavement on collection days, and this arrangement shall remain so in perpetuity.

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, SP1 and DM1 of the 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

5 Sutcliffe Avenue, Manchester, M12 5TN
3 Sutcliffe Avenue, Manchester, M12 5TN
66 Hemmons Road, Manchester, M12 5ST
7 Sutcliffe Avenue, Manchester, M12 5TN
11 Sutcliffe Avenue, Manchester, M12 5TN
4 Gatling Avenue, Manchester, M12 5SX
9 Sutcliffe Avenue, Manchester, M12 5TN
1 Sutcliffe Avenue, Manchester, M12 5TN
8 Gatling Avenue, Manchester, M12 5SX
3 Gatling Avenue, Manchester, M12 5SX
2 Gatling Avenue, Manchester, M12 5SX
12 Gatling Avenue, Manchester, M12 5SX
10 Gatling Avenue, Manchester, M12 5SX
1 Gatling Avenue, Manchester, M12 5SX
64 Hemmons Road, Manchester, M12 5ST

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA