

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 132308/FH/2021

**Date registered valid:** 23 November 2021

**Proposal:** Erection of part single, part two storey side extension to form additional living accommodation

**Address:** 49 Rushford Street, Manchester, M12 4WY

**Ward(s):** Longsight Ward

**Applicant:** Mr Mushtaq Ahmed Ali

**Agent (if any):** Mr Rashid Mehmood I. Planning Services

**Case officer:** Harriet Aidoo  
Tel: 0161 234 4532  
Email: [harriet.aidoo@manchester.gov.uk](mailto:harriet.aidoo@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 18 September 2023

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 8 December 2021

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

Printed: 23 March 2022    Expired: 2 April 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:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of site / building / area**

The application site is located in a residential area and is situated on the north-east junction of Rushford Street and Purcell Street. The application relates to an end of terraced dwellinghouse of a red-brick construction and hipped roof design. The terrace has an extended front canopy with a tiled lean-to roof covering above the front door and shallow box-bay window. The existing site benefits from amenity space along the front, side and rear elevations with enclosed boundary treatment incorporating a timber frame gated access along the Purcell Street elevation. A gated alleyway runs along the rear boundary. No. 55 Rushford Street is to the back of pavement along the Purcell Street highway.

## **Description of development**

The initially submitted plan related to the proposed erection of a two storey side extension to form additional living accommodation.

Following negotiations, the initially submitted plan has been revised in the interest of residential amenity and revised plans subsequently submitted, (dated 27/04/22). The title description of the proposal has also been subsequently amended to: erection of part single, part two storey side extension to form additional living accommodation, to reflect the revised plans.

The revised plan would comprise of:

- The proposed roof ridge has been dropped below the ridge of the existing roof ridge.
- The proposal would be set-back along first floor front elevation 1500mm.
- As the proposal would be along the back of pavement and Certificate A had been completed, clarification was sought regarding and the foundations encroaching along the Purcell Street highway. It has been advised that the proposed side wall foundation would be eccentrically loaded, (correspondence, dated 26/04/22).

The proposed side extension would be sited along the back of pavement along the Purcell Street highway and maintain a proposed width of approximately 2474mm. It would be flush with the front building line of the original dwellinghouse along the ground floor and set-back 1500mm along the first floor front elevation. It would project approximately 7633mm along ground floor along the back of pavement and approximately 6060mm along the first floor. The two storey side extension would be flush with the rear building line of the original dwellinghouse at both ground and first floor. It would incorporate a pitched roof design (which mirrors the immediate neighbouring houses along Smart Street, Purcell Street and No. 55 Rushford Street ) with the proposed roof ridge dropped below the ridge of the existing roof ridge, in addition to 1no. window each along the ground and first floor front elevation, including 1no. window along the first floor rear elevation and French doors along the ground floor rear elevation. The extension would be constructed in materials matching the original house and as annotated on the submitted drawings.

## **Consultations & Notification Responses**

### **1. Local residents**

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

### **2. Environmental Health**

The following informative is advised for the application:

#### **Contaminated Land Watching Brief**

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email [contact@manchester.gov.uk](mailto:contact@manchester.gov.uk) for advice on how to proceed.

## **POLICY**

The following guidance and policy are considered to be relevant to the proposed development.

### **1. The National Planning Policy Framework (NPPF), (July 2021):**

- 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.

- Policy DM1 (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), (1995) - 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.

- Chapter 2: Design

## ISSUES

In this instance, the initially submitted plan has been revised in the interest of residential amenity and revised plans subsequently submitted, (dated 27/04/22). The title description of the proposal has also been subsequently amended to reflect the revised plans.

## 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)** - Given the revisions to the initially submitted, (dated, 27/04/22) and in light of the pre-existing contextual relationship along the boundaries, and the immediate neighbouring houses along Smart Street, Purcell Street and No. 55 Rushford Street, it is not considered that the resultant contextual relationship of the proposal would adversely affect the street scene in terms of undue visual intrusion along the highway. In this instance, the proposal would not project beyond the existing and established natural building line along the Purcell Street highway and proposed pitched roof design would mirror the immediate neighbouring houses along Smart Street, Purcell Street and No. 55 Rushford Street. In addition, the proposed side extension is set-back approximately 1500mm along the first floor front building line of the original dwellinghouse, and it would not project beyond its rear building line, and the roof has been dropped below that of the original roof ridge. It is therefore considered that the proposed two storey side extension would be seen as subservient to the main dwellinghouse, and therefore on balance, the proposal is considered

acceptable, as there are not overbearing, overshadowing, or loss of privacy impacts, subject to planning conditions.

**Impact of works (Design and appearance)** - The proposed development would be informed by similar developments within the surrounding neighbourhood, therefore it is not considered that the proposed development would unduly harm the character of the building or the general area. It is also intended to use materials matching the existing house, although a materials condition has been attached to ensure that the materials are adhered to.

**Impact of works (Waste management)** - The existing arrangement would be unaffected.

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

**Conclusion** - For the reasons outlined above, and subject to planning conditions, it is considered that the revised proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19 and T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and no comments or objections have been received in response to this application.

## **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**

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 initially submitted plan has been revised in the interest of residential amenity and revised plans subsequently submitted, (dated 27/04/22). The title description of the proposal has also been subsequently amended to reflect the revised plans. The local planning authority had no other 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:

- Householder Application for Planning Permission for works or extension to a dwelling, received by the City Council as the local planning authority on 21 November 2021.
- Location Plan, Block Plan with application site edge in red, and Existing Floor Plans and Elevations, Ref: IPS/R/49/M124WY, SHT 1 of 2, received by the City Council as the local planning authority on 23 November 2021.
- Proposed Floor Plans and Elevations, Ref: IPS/R/49/M124WY, SHT 2 of 2, REV B, received by the City Council as the local planning authority on 27 April 2022.
- Correspondence dated 26/04/22.

Reason - 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 Manchester Core Strategy (2012).

3) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, 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 policy DM1 of the Manchester Core Strategy (2012).

4) 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 extension hereby approved other than those shown on: Proposed Floor Plans and Elevations, Ref: IPS/R/49/M124WY, SHT 2 of 2, REV B, received by the City Council as the local planning authority on 27 April 2022.

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

5) 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) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email [contact@manchester.gov.uk](mailto:contact@manchester.gov.uk) for advice on how to proceed.

## **Appendix 1 – List of consultees & neighbours notified**

28 Purcell Street, Manchester, M12 4NU  
72 Rushford Street, Manchester, M12 4WY  
47 Rushford Street, Manchester, M12 4WY  
30 Purcell Street, Manchester, M12 4NU  
29 Purcell Street, Manchester, M12 4NU  
74 Rushford Street, Manchester, M12 4NT  
27 Purcell Street, Manchester, M12 4NU  
45 Rushford Street, Manchester, M12 4WY  
65 Rushford Street, Manchester, M12 4NT  
43 Smart Street, Manchester, M12 4NX

## **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  
Area Team Boundary - Name: NORTH