

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134604/FH/2022
Date registered valid: 22 August 2022
Proposal: Erection of two storey rear extension to form additional living accommodation
Address: 31 Clitheroe Road, Manchester, M13 0GE
Ward(s): Longsight Ward

Applicant: Mr Asim Javed
Agent (if any): Mr Rashid Mehmood I. Planning Services
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 3 July 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 September 2022

Standard consultations:

Printed: 30 August 2022 Expired: 20 September 2022

Neighbour notifications

Printed: 30 August 2022 Expired: 20 September 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application relates to a traditional mid-terraced dwellinghouse with original two storey rear outrigger (approximately 3.3 metres deep) which retains a separation distance of approximately 1.7 metres from the common shared boundary with no. 29 Clitheroe Road. There is existing rear yard, approximately 3.5 metres deep (from the rear of the 2 storey outrigger) with gated access to Weaverham Close along the rear boundary. The immediate area is predominantly residential in character; to the south of the application is St Agnes Primary School and Longsight Community Primary School and to the north, Slade Lane and Stockport Road offering a mix of uses. One dwellinghouse along this row of terrace houses has a 2 storey rear extension, although upon further checks this was consented in 1976 under the old development plan, (ref: F05968).

Description of development

The submitted application proposes a two storey rear extension to create additional living accommodation.

The agent was advised early on during the application process that there were concerns with submitted plan. Whilst it has been advised that the principle of a single storey rear extension with the proposed rearward projection could be considered as acceptable in this location;

however, in this instance, the cumulative impact from the proposed 2120mm metre rearward projection along the first floor, in addition to the pre-existing 3.3 metre rearward projection of the outrigger and its relationship with those properties along the side boundaries, coupled with the combined proposed overall 5420mm first floor rearward projection coming forward of the Weaverham Close highway would be unduly overbearing; in addition to the resultant overdevelopment of the rear yard curtilage and outlook from neighbouring gardens and driveways, would present significant adverse impact to residential and visual amenity.

Revised plans were subsequently submitted, (dated 15/11/22). However, the only change would comprise of obscure glazing to the proposed first floor side facing windows.

The proposed 2 storey rear extension would be sited along the common shared boundary with no. 33 Clitheroe Road and project from the rear building line of the existing 2 storey outrigger approximately 2120mm deep x 2944mm wide whilst retaining a separation distance of approximately 1.7 metres from the common shared boundary with no. 29 Clitheroe Road. It would maintain a mono-pitch roof design, with the proposed maximum roof height consistent with the existing 2 storey outrigger. The proposed extension would incorporate 1no. window along the ground floor side elevation to serve the extended kitchen.

The submitted plan also proposes an elevational alteration along the first floor side elevation of the existing 2 storey outrigger comprising of 1no. window to serve the proposed bedroom.

It is intended to use external facing materials to match the existing house.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objections, comments, or representations were received from 2 local residents.

Comment

I see potential for an issue on grounds of overlooking as I live directly opposite the proposed extension . It may depend on specifications eg how high will the extension be and how far out will it reach to the property rear yard final wall ? will it extend beyond wall onto grass verge? Some Clitheroe Rd properties have tarmac or concrete on this grass verge to the rear of their property . I would absolutely object to a build on that land.

Comment

There is a shed aligned with the common boundary, my concern is if his new building will impact on the shed. If it does not, I am happy to give my full consent.

2. HS2

HS2 Ltd have no specific comment to make on this consultation.

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 12: Achieving well-designed places.

2. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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 SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;

- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

3. Saved Unitary Development Plan Policies (UDP)

Large elements of the UDP have been superseded by the Core Strategy Development Plan. However, saved Policy DC1 for Residential Extensions is still of relevance. This states:

DC1.1

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

DC1.2

Extensions to residential properties will be allowed subject to compliance with other relevant policies of the plan 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 so severe an existing on street car parking problem that unacceptable additional pressures would be created

DC1.3 Notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) in length
- b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
- c) 2 storey extensions to terraced properties which occupy the full width of the house
- d) flat roofed extensions to bungalows
- e) extensions which conflict with the council's guidelines on privacy distances (which are published as supplementary guidance)

Policy DC1.6

For the avoidance of doubt, policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Reasons: Many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The Council is not generally in favour of dealing with this issue by laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria.

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.

ISSUES

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and Visual Amenity

Having assessed the proposal, a number of concerns relate to the scheme. Whilst there is a planning approval in relation to a 2-storey extension to rear of dwellinghouse to form a utility-room/toilet and a bedroom, (ref: F05968) along this row of terraced houses, it was under the old development plan.

In terms of the proposal, the application building has an existing two storey rear outrigger which measures approximately 3.3 metres deep, and which maintains an existing separation distance of approximately 1.7 metres from the common shared boundary with no. 29 Clitheroe Road. The existing depth of rear yard is approximately 3.5 metres deep (from the rear of the existing 2 storey outrigger); therefore, in this instance, it is considered that the cumulative impact from the proposed 2120mm metre rearward projection along the first floor, in addition to the pre-existing 3.3 metre rearward projection of the outrigger and its contextual relationship with those

properties along the side boundaries, particularly no. 29 Clitheroe Road, coupled with the combined proposed overall 5420mm first floor rearward projection coming forward of the Weaverham Close highway would be unduly overbearing and visually intrusive; in addition to the resultant overdevelopment of the rear yard curtilage and outlook from neighbouring properties, rear yards and driveways, would present significant adverse impact to residential and visual amenity; contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

Moreover, it is considered that the combined rearward projection at approximately 5420mm along the first floor side boundary; in particular, with no. 29 Clitheroe Road, and the resultant overall size and scale of the extension in such close proximity to the first floor rear window of no. 29 Clitheroe Road would create an overbearing tunnel effect to the detriment of the amenity of neighbouring occupiers; contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

Conclusion

In this instance, although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the cumulative impact from the proposed 2120mm metre rearward projection along the first floor, in addition to the pre-existing 3.3 metre rearward projection of the outrigger and its contextual relationship with those properties along the side boundaries, particularly no. 29 Clitheroe Road, coupled with the combined proposed overall 5420mm first floor rearward projection coming forward of the Weaverham Close highway would be unduly overbearing and visually intrusive; in addition to the resultant overdevelopment of the rear yard curtilage and outlook from neighbouring properties, rear yards and driveways, would present significant adverse impact to residential and visual amenity; and therefore, for these reasons, the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1 and EN1 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 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

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. The application has been determined in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan, Manchester's Local Development Framework: Core Strategy Development Plan Document, the National Planning Policy Framework and all other material considerations; however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The cumulative impact from the proposed combined 5420mm first floor rearward projection and the resultant contextual relationship with those properties along the side boundaries, particularly no. 29 Clitheroe Road, would create an overbearing tunnel feature by virtue of its scale and massing and the resultant overshadowing to habitable room windows; contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The cumulative impact from the proposed combined 5420mm first floor rearward projection coming forward of the Weaverham Close highway would create an unduly overbearing visually intrusive feature along the street scene and from the neighbouring rear yards and driveways; contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

21 Weaverham Close, Manchester, M13 0GD
23 Weaverham Close, Manchester, M13 0GD
19 Weaverham Close, Manchester, M13 0GD
17 Weaverham Close, Manchester, M13 0GD
33 Clitheroe Road, Manchester, M13 0GE
29 Clitheroe Road, Manchester, M13 0GE

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 (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: NORTH AREA