

## **Planning**

## **Growth & Development**

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

**Application no.** 136463/FH/2023

**Date registered valid:** 2 May 2023

**Proposal:** Installation of rear dormer, together with the erection of a single storey rear extension and creation of a basement.

**Address:** 50 Spinney Road, Manchester, M23 1AB

**Ward(s):** Baguley Ward

**Applicant:** Ms Anna Kozlik

**Agent (if any):** Mr Talat Zeria, HSH Engineering Design Service

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

**Recommendation:** APPROVE

**Date of recommendation:** 21.08.2023

## Application details

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 25 May 2023

### Standard consultations:

Printed: 16 May 2023      Expired: 6 June 2023

### Neighbour notifications

Printed: 16 May 2023      Expired: 6 June 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 site comprises a semi-detached residential bungalow in the Baguley ward of Manchester. The property benefits from a projecting flat roof front bay with the remainder of the property's roof profile being hipped which reflects the style of roof within the immediate area. A hardstanding area is to the front and side with landscape perimeter and garden to the rear with access along the side. Off road car parking is available on the front driveway. Boundary treatment is made up of brick wall to the front and timber fencing to the rear.

The application site lies to the west of M56/A560 in a small residential estate of bay-fronted semi's and bungalows all having similar bay window features. To the south is the Stockport to Altrincham railway line, Baguley Brook lies to the west at the end of the Spinney Road cul-de-sac which is entered off Hall Lane further west.

## Description of development

The application seeks planning permission for the installation of rear dormer, together with the erection of a single storey rear extension and creation of a basement. The application has been revised since the original submission removing the proposed front dormer elements that were not in keeping with the surrounding area and deemed an incongruous feature within the local vicinity. Further, balustrades were included as part of the development to the front lightwells to reduce crime and safety implications upon entering the property via the lightwells.

## Consultations & Notification Responses

Local residents were notified however no responses were received.

Network Rail: Had no objections to the proposal. There are requirements which must be met as the proposal works within 10m of the railway boundary and recommended the following be added to any approval that should be dealt with between Network Rail and the applicant.

- 1) The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.
- 2) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
  - There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
  - All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
  - Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
  - Any future maintenance must be conducted solely within the applicant's land ownership.
  - Rainwater goods must not discharge towards or over the railway boundary
  - Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
  - Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
- 3) The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:
  - Alterations to ground levels
  - De-watering works
  - Ground stabilisation works
  - Works to retaining walls
  - Construction and temporary works
  - Maintenance of retaining walls
  - Ground investigation works must not be undertaken unless agreed with Network Rail.
  - Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there

are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.

- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

- 4) As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

## Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

### Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

### Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

### Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

DC1.2 states that 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 original buildings);
- b. They do not create 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 scene by virtue of design, use of materials or construction details.

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

### Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- 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,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how: -Both construction and demolition waste will be minimised and recycled on site wherever possible; -The sustainable waste management needs of the end user will be met.

Policy DM1 - Requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking have been proposed.

## Issues

### Principle

The proposed development is for the erection of a single storey rear extension and creation of basement, alongside installation of rear dormers, this is considered acceptable in principle as many people prefer to extend their homes rather than move in order to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring

properties. The agent has confirmed that the property will remain a single family dwellinghouse and as such no additional waste or car parking pressures will result from this application.

## **Residential and Visual Amenity**

### *Single storey rear and basement*

The proposed single storey rear extension would have approx. dimensions of Height 2.7m x Width 6.4m x Depth 4m. The extension would be sited approx. 6.6metres away from the southern boundary and run alongside the shared boundary with no. 53 Spinney Road. The proposed single storey rear extension will replace the existing conservatory's footprint and not protrude further into the rear garden or past the adjoining property's rear conservatory footprint. It is therefore deemed that no additional overbearing or overshadowing implications would occur to the adjoining property and therefore it is considered an acceptable feature to the host property.

The extension would not be visible from the public highway and therefore would not feature within the streetscene, however, the character of the area has already changed over time as the houses in the immediate vicinity are themselves altered and extended. Front, side and rear extensions are particularly popular, therefore the appearance is acceptable and its impact upon visual amenity is considered negligible.

### *Rear Dormer*

The proposed rear dormer's nature of work is not considered to impact upon light or outlook of surrounding occupiers. The design of the dormer incorporates the rear windows being setback from the eaves and would replicate views from first floor windows. Therefore, it is deemed the proposal is acceptable and is no thought to significantly harm the residential amenity of the surrounding neighbouring occupiers.

Due to the arrangement and siting of the neighbouring properties the dormer would not be readily visible from the public highway and therefore it would not form a feature within the streetscene and the character of the area would remain unharmed. Therefore, installation of a rear dormer is considered acceptable and is not thought to significantly harm the visual amenity of the house or the wider area, the latter of which is not in a conservation area.

On balance, the extensions are considered comparable in terms of size and its position to others found in the immediate area, therefore it is felt that the proposal can be acceptably accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area.

## **Siting, Scale and Massing**

The size and footprint of the proposed single storey rear extension is comparable in size to many others found in the area and is not believed to provide an overbearing impact upon residential amenities of surrounding properties.

The proposed rear dormer would be setback from the original eaves with a flat roof incorporating the roof profile. The rear dormer would involve a hip to gable conversion along the rear roof to facilitate the roof dormer's footprint. The hip to gable conversion would involve the replacement of a chimney and would follow the original ridge height. As outlined above, the extension would not become visible within the streetscene and given the high vegetation screening along the boundary would not be visible from neighbouring properties' amenity space. It is deemed the extensions are subservient and appropriately sited and scaled for the dwelling, pursuant to policies DC1, DM1 and SP1.

## **Design and Appearance**

The proposed extensions have been designed sympathetically to relate to the existing property and extension. The proposed extensions would be made of materials including brickwork, and vertical tiles on the rear dormer, Upvc windows and doors. These materials are similar and comparable to the existing dwelling with the roof profile consisting of flat roofs to give the extensions a contemporary feel. A condition shall to that effect would be attached to any approval. Therefore, the design of the extension would not adversely affect the appearance of the dwelling, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and Saved UDP Policy DC1.

## **Conclusion**

The proposal accords with policies DM1, DC1, SP1 and NPPF and received no objections. It is not considered to significantly harm the existing levels of residential amenity enjoyed by neighbouring occupiers nor significantly harm the character of the house or visual amenity of the area.

## **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:**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the application.

**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 permission.

Reason- Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Local plan and drawings numbers:

Document: Application Form

Drawing- Location Plan

Drawing- Ground and Basement Plan ref. 05

All stamped as received by the City Council, as the Local Planning Authority on 13 March 2023

Drawing- Elevations ref. 06A

Stamped as received by the City Council as the Local Planning Authority on 21 June 2023

Drawing- Ground and First Floor Plan ref. 04a

Stamped as received by the City Council as the Local Planning Authority on 19 July 2023

Drawing- Elevation ref. 08B

Stamped as received by the City Council as Local Planning Authority on 09 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 Manchester Core Strategy (2012).

- 3) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing dwelling in size, type and colour .

Reason- To ensure 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 policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

- 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 the approved plans.

Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 and DM1.

**Informatives**

- 1) The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.
- 2) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
  - There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
  - All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
  - Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
  - Any future maintenance must be conducted solely within the applicant's land ownership.
  - Rainwater goods must not discharge towards or over the railway boundary
  - Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
  - Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
- 3) The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:
  - Alterations to ground levels
  - De-watering works
  - Ground stabilisation works
  - Works to retaining walls
  - Construction and temporary works
  - Maintenance of retaining walls
  - Ground investigation works must not be undertaken unless agreed with Network Rail.
  - Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must

interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.

- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

4)As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** Basic Asset Protection Agreement will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

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

Network Rail

48 Spinney Road, Manchester, M23 1AB

53 Spinney Road, Manchester, M23 1AD

## **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 45M

Area Team Boundary - Name: SOUTH AREA