

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135953/FO/2023
Date registered valid: 10 February 2023
Proposal: Erection of a single storey rear extension to existing C4 House in Multiple Occupation
Address: 3 Wald Avenue, Manchester, M14 6TW
Ward(s): Withington Ward

Applicant: Gun-Why, VSHF - Manchester
Agent (if any): Mr Mark Abell, Mark Architecture Ltd
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 09.05.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 March 2023

Standard consultations:

Printed: 2 March 2023 Expired: 23 March 2023

Neighbour notifications

Printed: 11 April 2023 Expired: 2 May 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 application site relates to a bay fronted semi detached red brick property with gardens to the front and rear. It is identified as 3 Wald Avenue in the Withington ward of the City. There is a gated vehicular access to the side which provides access to two detached bungalows located to the rear.

The remainder of the area is predominantly residential in nature.

Description of development

The application has been revised since the original submission in reducing the overall footprint of the extension and to comply with government guidance surrounding extending HMOs habitable rooms. The revised scheme seeks planning permission for the erection of a single storey rear extension to extend the dining/kitchen room area. A following 21 day neighbour re-notification has undertaken as part of the planning process.

Planning History

130234/LE/2021 Certificate of lawful existing use of the property as a C4 use - House in Multiple Occupation. APPLICATION APPROVED 16.06.2021

Consultations & Notification Responses

Local residents were notified and responses were received. The objection letters are summarised below:

- Overshadowing and overlooking from the proposed rear elevation and dormer windows will be present on neighbouring gardens along Beverly Road
- Overbearing due to the massing and size of the proposed extensions onto neighbouring properties rear gardens.
- Noise and disturbance increases to this student accommodation that will greatly discomfort the surrounding neighbours.
- Littering also a concern with increased in tenants.

Councillor Wills objected to the original submission on the following grounds:

This is a large addition to a property that sits in the middle of an area of high student density. This proposed development will therefore exacerbate issues of over-saturation and over-occupancy. This runs contrary to Core Policy H11. Furthermore, there would be potential loss of visual amenity for residents of the overlooking properties on Beverly Road.

Flood Risk Management had no objections to the scheme and recommended the following pre-commencement condition that was sent to the agent dated 20.04.2023

No development shall commence until the flood risk assessment has been updated and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS). For the avoidance of doubt, as per the government standing advice, the assessment must include the following:

- The estimated flood level for your development (the estimated flood level is a river flood level with a 1 in 100 or greater annual probability, plus an allowance for climate change). The estimated flood level may be obtained freely from the Environment Agency.

- If you cannot raise FFLs 300 mm above the estimated flood level, you should demonstrate flood resilience and resistance measures in your design. Use the following guidance: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#extra-flood-resistance-and-resilience-measures> - See <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice> for further guidance on preparing your documents and obtaining the required data.

Reason: To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required.

Following a 21 day renotification period Councillor Wills and local residents had no further comments.

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, H11 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.

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 H11 Houses in Multiple Occupation- In areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

Notwithstanding the policy requirements set out above, all proposals for change of use of

existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

Issues

Principle

The principle of building a single storey rear extension to provide additional kitchen and living room space to the existing dwellings for the benefits of the inhabitants is acceptable, however consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on neighbouring properties' residential amenity.

Residential and Visual Amenity

As mentioned above the proposal has been revised since the original submission with the revised scheme only incorporating a single storey rear extension to extend the kitchen and living room space as outlined in the proposed plans ref. 3WA01B. The extension would cover the full width of the original dwelling's rear elevation and would have approx. dimensions of Height 3.7m x Width 6m x Depth 3m. The extension would run alongside the shared boundary with no.1 Wald Avenue. Given the small scale nature of the extension and the neighbouring property's extension footprint (application ref. 122208/FH/2018) it is not considered to form an overbearing feature along the shared boundary. Further, given the extension's depth is smaller than the neighbouring counterpart it is not considered to provide overshadowing or loss of light implications. No side facing windows are proposed along the extension, therefore maintaining levels of privacy to neighbouring properties. A condition shall be applied to any approval regarding no further windows along the proposal, to retain the privacy levels of the rear gardens and habitable rooms along Beverly Road.

It is considered the extension would be subservient to the original dwelling forming a seamless relationship with the original and would have a similar appearance to the original dwelling which are conditioned to match any approval.

Design and Appearance

The proposed extension has been designed sympathetically to relate to the existing property and extension. The proposed extension would match the existing in terms of materials and a condition shall be attached to any approval. Further, it should be noted that given the dimensions, siting and design of the proposed single storey rear extension it constitutes permitted development as outlined in the General Permitted Development Order 2020. 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.

Other Concerns

It should be noted that the original submission included the enhancement of number of occupancies in this registered HMO however given Policy H11 of the Manchester Core Strategy the planning agent was advised to remove this aspect and for the revised scheme to centre around expanding the existing kitchen and living room area to further enhance the quality of living space for the existing inhabitants. As a precautionary measure a condition is attached to

any approval that outlines the development must follow the proposed floor plans ref. 3WA01B for the enhanced kitchen and living room area.

Conclusion

The proposal accords with policies DM1, DC1, SP1, H11 and NPPF and the revised proposal received no objections. It is not considered to 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: APPROVE

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 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:

Drawing: Floor Plans ref. 3WA01B

Drawing: Elevations ref. 3WA02A

Drawing: Site and Local Plan

All stamped as received by the City Council as Local Planning Authority on 11 April 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 submitted shall match those of the existing dwellinghouse, in type, size, colour and texture.

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, SP1.

- 5) The development hereby approved shall be carried out in accordance with Drawing: Floor Plans ref. 3WA01B stamped as received by the City Council as Local Planning Authority on 11 April 2023, in relation to the intended internal configuration of the extension being an extended kitchen and living room area and shall remain in place thereafter whilst the dwelling remains in situ.

Reason- To ensure the configuration of the dwelling is acceptable to the City Council as local planning authority, pursuant to policy H11 of the Manchester Core Strategy.

- 6) No development shall commence until the flood risk assessment has been updated and approved in writing by the local planning authority. This may take the abbreviated form of a desktop-study flood risk statement (FRS). For the avoidance of doubt, as per the government standing advice, the assessment must include the following:

- The estimated flood level for your development (the estimated flood level is a river flood level with a 1 in 100 or greater annual probability, plus an allowance for climate change). The estimated flood level may be obtained freely from the Environment Agency.

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Reason: To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG

- 7) The property shall not exceed 3 bedrooms in multiple occupation class C4 occupied by no more than 3 residents and no rooms shall be converted or sub divided to form additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the property or any increase in the number of occupants of the property.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to core Strategy policy H11.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

61 Talbot Road, Manchester, M14 6TU
59 Talbot Road, Manchester, M14 6TS
2 Wald Avenue, Manchester, M14 6TE
84 Beverly Road, Manchester, M14 6TH
3C Wald Avenue, Manchester, M14 6TW
3B Wald Avenue, Manchester, M14 6TW
1 Wald Avenue, Manchester, M14 6TW
57 Talbot Road, Manchester, M14 6TS
92 Beverly Road, Manchester, M14 6TH
94 Beverly Road, Manchester, M14 6TH
90 Beverly Road, Manchester, M14 6TH
88 Beverly Road, Manchester, M14 6TH
86 Beverly Road, Manchester, M14 6TH

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA