

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 137318/FH/2023

**Date registered valid:** 16 June 2023

**Proposal:** Part retrospective application for the erection of a single storey rear extension.

**Address:** 15 Egerton Terrace, Manchester, M14 6RL

**Ward(s):** Withington Ward

**Applicant:** Mr Sargheel Javed

**Agent (if any):** Mr Farhan Rama, Archirama Ltd

**Case officer:** Holly Wright  
Tel: 0161 219 6381  
Email: [holly.wright@manchester.gov.uk](mailto:holly.wright@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 08 August 2023

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 07 July 2023

**Standard consultations:** Printed: 28 June 2023      Expired: 19 July 2023

**Neighbour notifications:** Printed: 28 June 2023      Expired: 19 July 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

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

The application relates to a two-storey end-terraced C3 dwellinghouse of redbrick and grey render with a slate tile dual pitch roof. The property features white uPVC windows, a two-storey rear outrigger, a rear dormer window, a single storey rear extension and a long, narrow rear garden.



*Figure 1. Principal elevation.*



*Figure 2. Rear elevation.*



*Figure 3. Rear garden.*

## **Description of area**

Egerton Terrace is a residential street situated within the Withington ward of Manchester, close to Kingswood Park, Ladybarn Community Hub, and Withington Bowling Club. The area is primarily residential in terms of its character, consisting of terraced and semi-detached residential properties, and benefits from its proximity to public outdoor green and amenity spaces.

## **Description of development**

The applicant has submitted a part retrospective application for the erection of a single storey rear extension.

## **Planning History**

F11876 - Kitchen extension rear of dwellinghouse – **PERMITTED DEVELOPMENT**

## **Consultations & Notification Responses**

One letter of objection was received from one local resident in response to this application. Their concerns are summarised as follows:

- Concerns relating to the property's potential use as a HMO.

Flood Risk Management recommended that the following condition be attached to the decision notice:

"No development shall commence until a flood risk assessment has been submitted to 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:

- A description of your development.
- An assessment of the flood risk from all sources (such as: fluvial, surface water, groundwater, sewer, reservoir and canal) of flooding for your development (this does not require bespoke hydraulic modelling and may be based on data obtained freely via an Environment Agency data request and opensource data on the DEFRA and government platforms). *Note this should include publicly available maps where applicable.*
- Identification of any historic flood events on site or within close proximity to the site.
- 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.
- Provide a plan showing the finished floor levels (FFLs) and the estimated flood levels. FFLs should take into consideration predicted flood levels and should be set to an appropriate level, this may be either no lower than existing internal FFLs of the adjoining dwelling or 300 millimetres (mm) above the estimated flood level. All levels should be in mAOD.
- 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>

- Consideration of flood safety measures (such as signing up for EA flood warnings) and evacuation plans where required.
- Any supporting plans and drawings.
- 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."*

## **Policies**

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

## **Issues**

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

**Principle** - the principle of erecting a single storey rear extension in order to provide additional living accommodation for a family dwellinghouse is acceptable given that many individuals prefer to extend and alter their homes to meet changing household needs rather than move. However, consideration must be given to the proposal's siting, scale and massing, appearance and impact upon visual amenity, residential amenity, waste storage and parking.

**Siting, scale, and massing** – the single storey extension would be sited at the rear of the property, facing east/north-east, adjoining the existing single storey addition and two-storey outrigger. It would project 3.315m rearwards, taking the total length of the single storey additions to 6.114m, with a width of 4.3m, and a flat roof height of 2.998m. It would be sited 0.266m off the boundary shared with No.14 Egerton Terrace with no gap maintained to the boundary shared with the alleyway.

The total rearward projection of 6.114m exceeds the limit stipulated within policy DC1 of the UDP (of 3.65m), however is considered acceptable given that the proposal would have a minimal impact upon the existing levels of residential amenity as a result of its relatively minor height and its 3.315m rearward projection which would be sited along the shared boundary. Erection of the proposed extension would not result in more than 50% of the total ground area (other than the original dwellinghouse) of the curtilage being covered by buildings, thus allowing for adequate private outdoor amenity space to be retained.

Overall, the dimensions of the proposed extension are understood as being subservient to those of the host dwellinghouse and are not considered to result in an 'excessively large or bulky' addition to the property, thereby according with policies SP1 and DM1 of the Core Strategy.

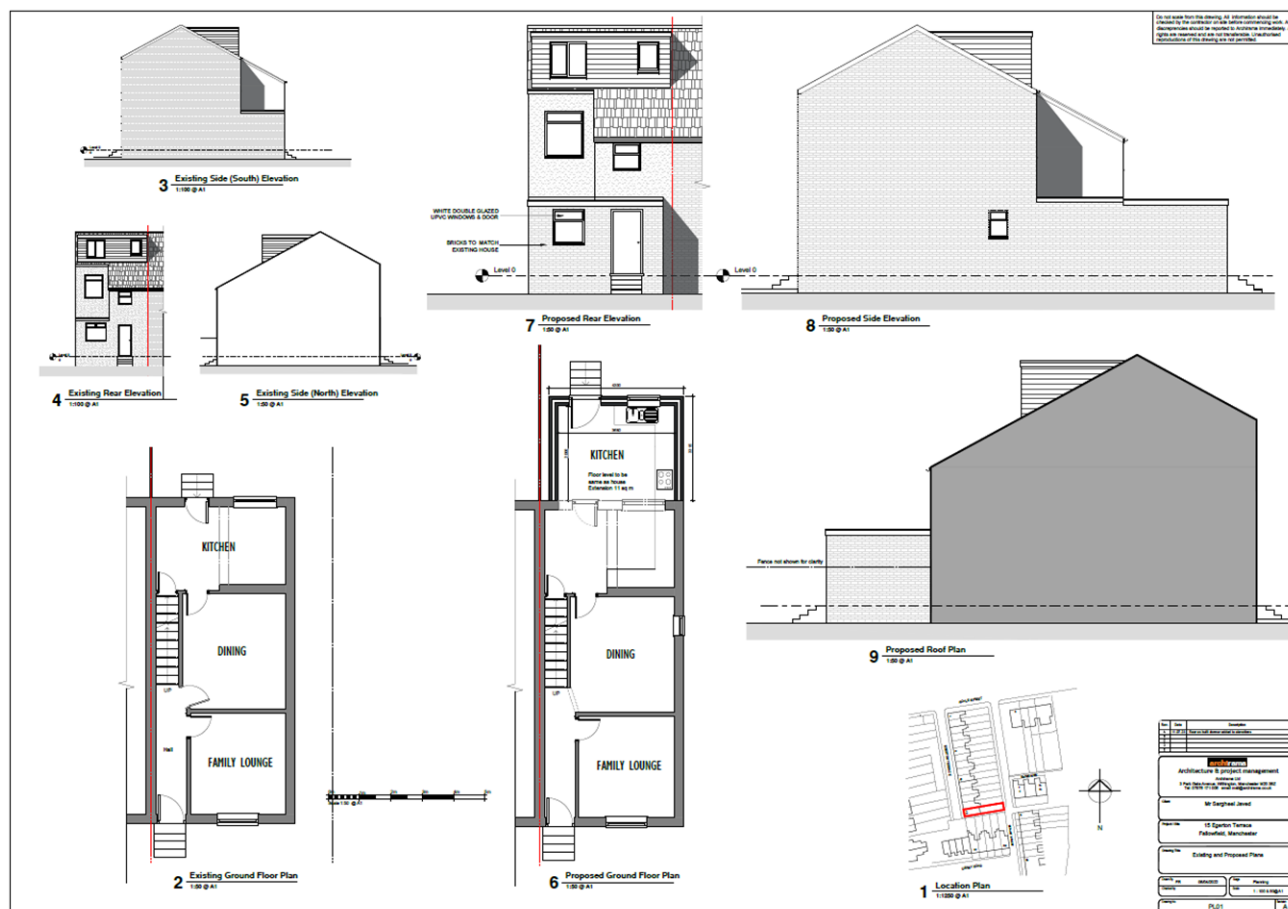


Figure 4. Submitted existing and proposed plans and elevations.

**Appearance and visual amenity** – the rear extension would be built of brickwork and windows to match the existing with a GRP flat roof. Its side elevations would be blank, whilst its rear elevation would feature one window and one inward-opening door.

The proposal is relatively standard in terms of its design and would be in-keeping with the existing precedent of residential extensions in this area. Sited at the rear of the property, the extension would only be visible from specific viewpoints along Exbury Street and, as such, should not feature prominently within the street scene. The overall character of the property and its surrounding area would therefore not be significantly harmed by these works.

The design and appearance of the proposed development therefore accords with Core Strategy policies DM1 and EN1 as well as chapter 12 of the NPPF as its impact upon visual amenity is considered to be minor.

**Residential amenity** – given that the extension would be single storey, sited east / north-east of the host dwellinghouse with a maximum flat roof height of 2.998m, the proposal should not cause an undue loss of light for neighbouring residents nor introduce an overbearing presence into the area. Moreover, its blank side elevations should ensure that the privacy of neighbouring occupiers is not compromised. In addition, no objections have been received in relation to the proposal's potential to affect residential amenity.

**Waste storage** – the current waste storage arrangements would be unaffected by this proposal.

**Parking** – the current parking arrangements would be unaffected by this proposal.

**Flood Risk** – the application site lies within Flood Zone 2 and an Environment Agency Flood Warning Area.

As such, the Flood Risk Management team have recommended that a pre-commencement condition, requiring the applicant to submit a flood risk assessment prior to any development, be attached to the decision notice.

However, in these circumstances, attaching the aforementioned condition is believed to be unnecessary and excessive as the submitted plans and supporting information indicate that the floor level of the proposed extension is to be consistent with the existing floor level of the host dwellinghouse. Moreover, the proposed extension would feature an access point along its rear elevation, thus ensuring the retention of adequate emergency evacuation routes in the event of a flood.

The proposal is therefore understood as complying with the Government's standing advice and policy EN14 of the Core Strategy.

**Other matters** – the proposal also includes the installation of a set of steps measuring to 0.573m in height at the rear of the proposed extension, which would facilitate access to the rear garden, whilst maintaining a gap of 0.942m to the boundary shared with No.14 Egerton Terrace. This alteration is considered acceptable given its minimal impact upon visual and residential amenity.

The proposal also includes the installation of a ground floor window along the southern side elevation of the host dwellinghouse, facing the rear gardens of Derby Road. This window has been conditioned to be obscurely glazed so as to protect the residential amenity of neighbouring occupiers.

A local resident raised concerns relating to the property's potential to be used as a HMO. The applicant's agent was notified of these concerns and subsequently confirmed that the property (and the proposed extension) are to be utilised for C3 purposes only. A condition has also been attached to the decision notice to further ensure that the property remains as a C3 dwellinghouse.

**Conclusion** – given the above issues, it is considered that the proposed extension is acceptable in terms of its principle, siting, scale and massing, appearance and impact upon existing levels of visual and residential amenity as well as waste storage and parking as it broadly complies with policy DC1 of the UDP, policies DM1, SP1, EN1 and EN19 of the Core Strategy and chapter 12 of the NPPF.

## **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 based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

### **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 documents labelled:

- 'Existing and Proposed Plans', numbered 'PL01 REV A', stamped as received by the City Council as Local Planning Authority on the 11<sup>th</sup> July 2023.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the extension hereby permitted shall match those specified on the submitted application form and approved plans, including brickwork to match the existing.

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) Before first occupation the proposed ground floor window in the side elevation facing the rear gardens of No.61 and No.63 Derby Road shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

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 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

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

MCC Flood Risk Management

63 Derby Road, Manchester, M14 6RE  
2 Ebnall Walk, Manchester, M14 6QT  
4 Ebnall Walk, Manchester, M14 6QT  
14 Egerton Terrace, Manchester, M14 6RL  
11 Exbury Street, Manchester, M14 6RF  
65 Derby Road, Manchester, M14 6RE  
61 Derby Road, Manchester, M14 6RE  
69 Derby Road, Manchester, M14 6RE  
67 Derby Road, Manchester, M14 6RE  
59 Derby Road, Manchester, M14 6RE

## **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) -  
Flood Zones Type 3 (high risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: SOUTH AREA