

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136848/FH/2023

Date registered valid: 2 May 2023

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

Address: 63 West Avenue, Moston, Manchester, M40 3WW

Ward(s): Moston Ward

Applicant: Mr Mark Shenton

Agent (if any): Mr Dave Trudgeon Conway Architectural Design

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

Recommendation: REFUSAL

Date of recommendation: 28.06.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 June 2023

Standard consultations:

Printed: 11 May 2023 Expired: 1 June 2023

Neighbour notifications

Printed: 11 May 2023 Expired: 1 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 application site relates to a semi-detached brick built two storey dwelling, in the Moston area of North Manchester. The property benefits from hard landscaping to the front and side alongside a small front garden area. The property is slightly elevated from the public highway due to the topography of West Avenue and neighbouring properties along the eastern side of Moston Avenue have a similar gradient. The property benefits from a large rear garden with timber fencing occupying the shared boundary treatment.

The area is predominately residential in nature with houses of similar style and design. Moston Brook is situated to the south of the application site.

Description of development

The application seeks consent for the erection of a two storey side and part single part two storey rear extension to form additional living accommodation.

The proposed two storey side extension would be setback from the primary elevation by 3.6 metres. As such, it would have approx. dimensions of Height 6.9m x Width 1.4m (along the front elevation) x Depth 6.6m. This element of the proposal would result in a hipped roof with rear gable. The extension would be set approx. 0.8metres from the southern shared boundary with no. 65 West Avenue.

The proposed part single part two storey rear extension would extend across the back of the host property and the proposed side extension. As such, the proposal would have approx. dimensions of Height 6.9m x Width 7.2m (along the ground floor) 5m (along the first floor) x Depth 3.6m The first floor element would be set-in measuring 2.2metres from the shared boundary with no. 61 West Avenue.

The proposal would create, on the ground floor, an extended dining space, kitchen area and WC. On the first floor the proposal would create an additional bedroom and en-suite.

The proposal would involve the insertion of two windows within the front elevation, three windows and one door within the rear elevation and one rooflight within the roof plane of the part single rear extension.

Materials to be used throughout the proposal would include brickwork to match existing, roof tiles to match existing, and Upvc windows to match existing.

Consultations & Notification Responses

Local residents were notified however no responses were received.

Environmental Health had no objections to the proposal and recommended a gas membrane and watching brief condition be attached to any approval.

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:

DC1.1 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 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

DC1.4 In considering proposals for 2 storey side extensions, the council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the council will seek to ensure that:

- a) the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned
- b) the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole
- c) the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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.

Issues

Principle

The submitted application seeks planning permission for the erection of a two storey side and part single part two storey rear extension. The principle of development is not acceptable, as the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity which would result from the proposed development. Despite discussions regarding revisions to the submitted plans to overcome the Local Planning Authority's concerns, the applicant has chosen to pursue the submitted scheme, and for the application to be determined on this basis.

Residential and Visual Amenity

The proposed part single part two storey side extension and part two storey rear extension would be sited approx. 0.8metres away from the southern shared boundary with no. 65 West Avenue. Although there has been an attempt to set in the two storey side and part two storey rear extension from the shared boundary with no. 65 West Avenue, the proposal would result in the extended side and rear wall of the property being 3.3 metres from the rear of number no. 65 West Avenue and protrude past the rear building line by 3.6metres. It is considered that the proposal is excessively large, creating a building with an overly large footprint.

The proposal is considered to create an overbearing impact on residential amenity to the neighbouring property by creating an imposing feature with the neighbouring occupier looking out across at a large expanse of brickwork resulting in an overpowering and oppressive impact to the detriment of residential amenity. The proposal is therefore contrary to policies DM1 of the Core Strategy and saved UDP Policy DC1.

The applicant has been made aware of these concerns and that there would be a requirement to cut off the corner of the proposed first floor element enhancing the gap between the extension and the southern shared boundary, as seen on the opposite boundary with no.61 West Avenue. It is understood that the applicant requires the additional space to meet the needs of their growing family. In this instance, the need to provide additional accommodation at the property does not outweigh the level of harm which would occur to the neighbouring properties.

The applicant has sited a number of other extensions in the local area. Each planning application should be considered on their own merits, however, the extensions which the applicant has drawn officers attention to are not similar to the proposed scheme given the variation in extensions' dimensions and the way they relate to neighbouring properties.

Conclusion

The extension is considered to be contrary to SP1 and DM1 of the Core Strategy and saved Policy DC1 of the UDP and cannot be supported for the reasons set out above.

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: REFUSAL

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have communicated their concerns about the proposal to the agent during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan.

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

- 1) The erection of a part single part two storey rear extension and two storey side extension by reason of its proximity to the shared boundary, together with the size, scale, bulk, and massing of the proposal, it is considered that the proposal would have an overbearing impact and would create an intrusive feature in the form of expanse brickwork along this

boundary in close proximity to nearby properties, to the detriment of the residential amenity to the occupiers of 65 West Avenue. The proposal is therefore contrary to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policies DC1.1, DC1.2 and DC1.4 and the guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

74 West Avenue, Moston, Manchester, M40 3NP
76 West Avenue, Moston, Manchester, M40 3NP
78 West Avenue, Moston, Manchester, M40 3NP
80 West Avenue, Moston, Manchester, M40 3NP
40 Bridport Avenue, Manchester, M40 3NQ
38 Bridport Avenue, Manchester, M40 3NQ
65 West Avenue, Moston, Manchester, M40 3WW
61 West Avenue, Moston, Manchester, M40 3WW

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA