

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136113/FH/2023
Date registered valid: 31 January 2023
Proposal: Erection of single storey side extension to form additional living accommodation
Address: 20 Kings Close, Manchester, M18 8TB
Ward(s): Gorton & Abbey Hey Ward

Applicant: Mrs Rabia Ahmed-Algedawy
Agent (if any): Mr Ronald Gonshaw, Gonshaw Associates
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 26 March 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 February 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 February 2023 Expired: 2 March 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

Description of site / building / area

The application relates to two storey, bay-fronted, 1930s semi-detached dwellinghouse along a residential cul-de-sac with amenity space along the front, side and rear elevations, including a front driveway to accommodate at least two vehicles. There is an existing single storey lean-to side extension off-set from the front building line of the original dwellinghouse, a front porch, a small Upvc frame outbuilding sited along the side garden and common boundary with nos. 5 and 7 Fleet Street, including boundary treatment incorporating a gated side access.

Description of development

The submitted plan relates to the proposed erection of a single storey side extension to form additional living accommodation.

The proposed extension would serve as a wet room and would involve in-filling the front of the existing single storey side extension and flush with the front building line of the original dwellinghouse.

The proposed single storey side extension would be flush with side building line of the existing side extension. It would project approximately 1215mm forward of the common shared boundary with no. 22 Kings Close, then project approximately 1867mm along this boundary whilst maintaining a separation distance of approximately 949mm from this boundary. It then

comes forward of the side elevation of the original dwellinghouse approximately 538mm and flush with the front building line. The maximum proposed height of the extension would be approximately 3212mm, and it would incorporate a lean-to pitch roof configuration, with 1no. high level window along the side elevation. It is intended to use matching materials.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations were received.

2. Environmental Health

Please can the following be attached to this application:

CLAND* (Watching brief condition-or see below informative)

In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to [INSERT] of the Unitary Development Plan for the City of Manchester.

*Our records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

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:

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City 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:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan (1995), of relevance are,

- o Saved Policy DC1 (Residential Extensions)
- o Policy DC1.5 relating to applications from disabled people who may require particular adaptations to their homes.

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. It is considered that these design principles have been satisfactorily incorporated into the development.

ISSUES

Principle

The principle of the proposal to create additional living accommodation is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey side extension) - In light of the pre-existing contextual relationship along the boundaries, and due to the fact that the proposed extension would be a small in-fill development, and it would be single storey, and it would maintain a similar height and roof configuration of the existing extension, it is considered that there would not be a significant adverse impact from the proposed development as there are no overbearing,

overshadowing, or loss of privacy impacts; and therefore on balance, and subject to planning conditions, it is considered that the proposal could be accommodated in this location in this instance. It is however recommended that further conditions are attached to any recommendation for planning approval restricting any further window/door openings and for the proposed window to be obscurely glazed to safeguard residential amenity.

Impact of works (Design and appearance) - In design terms, it is not considered that the proposal would unduly harm the character of the building or the general area. The proposed extension would be informed by the existing side extension. It is also intended to match materials with that of the existing dwellinghouse. However, a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (Car Parking) - The existing arrangement would be unaffected.

Impact of works (Waste Management) - The existing arrangement would be unaffected; the existing gated side access would be maintained. Bins can still be stored within curtilage, screened from the frontage and brought to the back of pavement on collection days.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is not considered that the proposal would be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity; pursuant with The National Planning Policy Framework (July 2021); The Manchester Core Strategy Development Plan Document (July 2012) - Policies EN1, DM1, SP1, EN19, T2; Saved Policy DC1, Policy DC1.5 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (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: Approve

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. In this instance, the local planning authority had no issues to raise with the agent but have attached appropriate conditions to the approval.

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 this 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:

- o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 31 January 2023.
- o Location Plan with application site edged in red, DWG No. 40389 / 1, received by the city council as the local planning authority on 31 January 2023.
- o Existing Floor Plans and Elevations, DWG No. 440389 / 02, received by the city council as the local planning authority on 31 January 2023.
- o Proposed Floor Plans and Elevations, DWG No. 440389 / 03, received by the city council as the local planning authority on 31 January 2023.
- o Supporting Information, received by the city council as the local planning authority on 31 January 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

3) The external facing materials to be used on the extension hereby permitted shall match those of the primary dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - To ensure that 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 Policy DC1 of the Unitary Development Plan for the City of Manchester and Policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety. Pursuant with policies DM1 and EN18 of the Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

5) 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: Proposed Floor Plans and Elevations, DWG No. 440389 / 03, received by the city council as the local planning authority on 31 January 2023.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policies SP1 and DM1 Core Strategy for the City of Manchester (July 2012).

6) 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 exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

7) Before first occupation of the development thereby approved, the proposed window to serve the "wet room", and as shown on: Proposed Floor Plans and Elevations, DWG No. 440389 / 03, received by the city council as the local planning authority on 31 January 2023, shall be opaquely 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 - In the interests of privacy, pursuant to policy to saved policies DC1 of the Unitary Development Plan for the City of Manchester and SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) Our records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

7 Fleet Street, Manchester, M18 8TE
5 Fleet Street, Manchester, M18 8TE
3 Fleet Street, Manchester, M18 8TE
22 Kings Close, Manchester, M18 8TB
18 Kings Close, Manchester, M18 8TB

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA