

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135871/FH/2023

Date registered valid: 1 February 2023

Proposal: Erection of a part single/part two storey side extension and a single storey rear extension

Address: 62 Cavendish Road, Manchester, M20 1QE

Ward(s): Didsbury West Ward

Applicant: Mr Oliver Atkinson

Agent (if any): Toby Lechler, Lechler Hayes Architects

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 30th May 2023



Application details

Type of application:	Full Householder Application
Development type:	Householder
Date of site visit:	14 March 2023
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	Printed: 14 February 2023 Expired: 7 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

The application site is a two storey end terrace property located within the Didsbury West ward area of Manchester. The property is positioned at the corner of Cavendish Road and Buxton Avenue. Boundary to the front comprises a low brick wall with wall and hedging to the side and higher brick wall to the rear which provides privacy from Buxton Avenue. An off road car parking space is available at the front together with a garden, access along the side and rear yard. The property features a two storey rear outrigger and rear dormer.



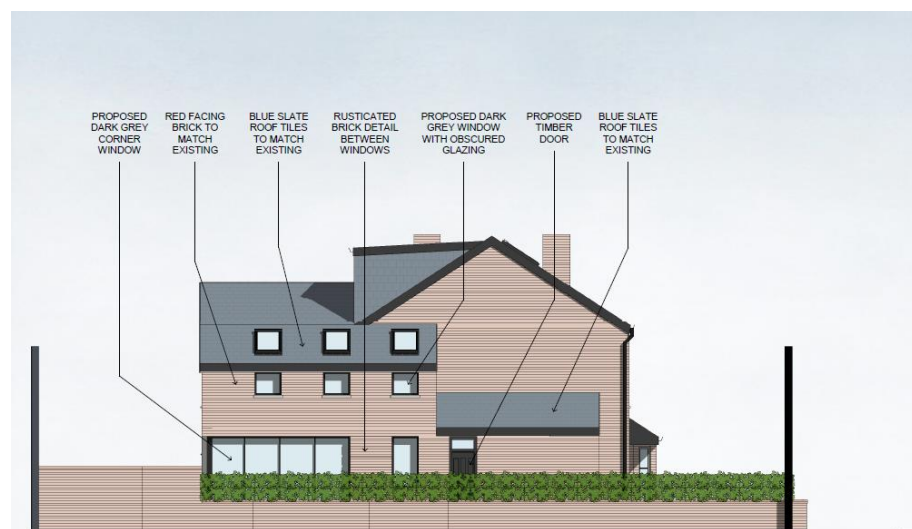
Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

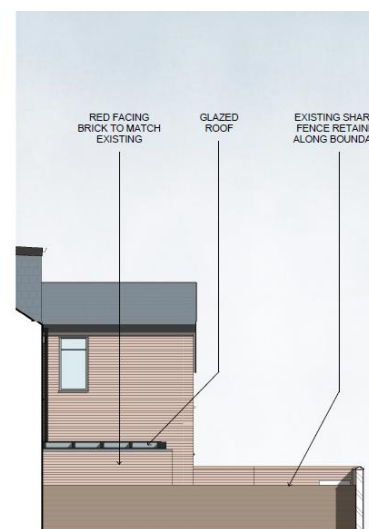
Cavendish Road is predominantly a residential area in nature with housing on both sides of Cavendish Road. On the northern side of Cavendish Road are traditional two storey terraces whose appearance have a high degree of uniformity. The opposite side of the road has a different character given by the mix of residential dwellings varying in height, materials and layout.

Description of development

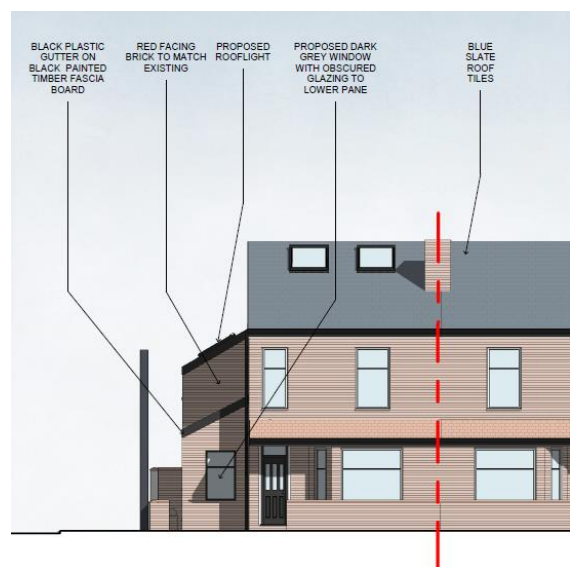
The applicant is seeking planning permission to erect a part single part two storey side extension and single storey rear extension. As a result of the proposal, the property would increase significantly from four to five bedrooms with an increase in the floor plate to provide a downstairs toilet, utility room, pantry and enlarged kitchen dining area.



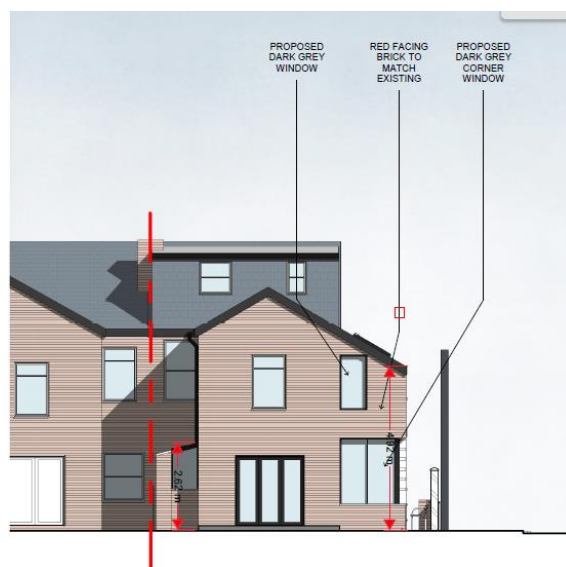
West Elevation - Proposed
1:100



East Elevation - Proposed
1:100



South Elevation - Proposed
1:100



North Elevation - Proposed
1:100

Consultations & Notification Responses

Local residents, as per appendix 1 – There has been one letter of objection received, Summary of comments as follows:

- Objecting to the proposed side extension of the applicant's kitchen / diner specifically between their original outrigger and the rear party boundary, whilst I don't object to the main portion of the extension on the other side (which runs parallel with Buxton Avenue).
- Overshadowing causing loss of daylight. The proposed brickwork wall will create a tunnelling effect with the original outrigger on one side and the new proposed wall on the opposite side.
- The 45 degree rule does not appear to have been adhered to.
- A solar study does not appear to have been completed by the applicant assessing the impact on natural lighting into the back of your property.

Policy and Issues

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

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (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 1995 (UDP) 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 (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

There are no previous planning applications relating to this site.

Plans considered

The plans considered as part of this proposal are listed as follows:

Existing

Received 1st February 2023 LHA-20-00-DR-A-PL-002 P01 Ground Floor Plan

Received 1st February 2023 LHA-20-XX-DR-A-PL-003 P01 Upper Floor Plans

Received 1st February 2023 LHA-20-XX-DR-A-PL-004 P01 North and South Elevations

Received 1st February 2023 LHA-20-XX-DR-A-PL-005 P02 East and West Elevations

Proposed

Received 12th May 2023 Design and access Statement

Received 12th May 2023 LHA-20-00-DR-A-PL-006 P03 Proposed Ground Floor Plan

Received 12th May 2023 LHA-20-XX-DR-A-PL-007 P03 Proposed Upper Floor Plans

Received 12th May 2023 LHA-20-XX-DR-A-PL-008 P03 Proposed South and North Elevations

Received 12th May 2023 LHA-20-XX-DR-A-PL-009 P03 Proposed East and West Elevations

Residential Amenity

The applicant is seeking planning permission to erect a part single part two storey side extension and single storey rear extension. In terms of its immediate surroundings, the property is neighboured by similar sized dwelling houses with front and rear gardens. An objection has been received by a local resident with concerns about the proposed side extension between their original outrigger and the rear party boundary, overshadowing causing loss of daylight and tunnelling affect.

Following negotiations, the applicant/agent amended the scheme and whilst the rear element is now considered to be acceptable, the amended scheme to the side of the property is considered to be unacceptable.

Rear

The applicant proposes the erection of a single storey rear extension which would project off the rear wall measuring approximately 3.8m along the shared boundary with no. 60 Cavendish Road retaining a gap to the end of the outrigger measuring 600mm. The height is approximately 2.6m and would have a sloping glazed roof. No windows are proposed along the side. A window is proposed on the rear elevation. Given the location of the proposed window, it is not anticipated that there would be any overlooking or loss of privacy given by this window. The City Council is satisfied that the amended single storey rear extension given its modest scale, depth and height would be an acceptable addition in this location.

Side

The ground floor element would be set back from the front wall of the property measuring 900mm extending along the side by approximately 11.5m adjoining the existing outrigger to the rear. A

gap would be retained to the site boundary of 1.0m. Elongated windows are proposed along the side and rear elevation.

The first floor element of the proposal would project towards the side boundary and would measure 6.8m along the side wall of the property adjoining the outrigger in length retaining a gap to the site boundary of 1.0m. The roof would adjoin the existing slope of the outrigger with the inclusion of three roof lights with a height to eaves measuring approximately 4.9m. Three windows would be situated along the side elevation and a window on the rear elevation.

It is acknowledged that the applicant/agent attempted to reduce the impact of the scheme, however, following careful consideration of the amended scheme, the City Council is still of the view that the proposal would provide a prominent and detrimental feature within the street scene which would be out of character with the surrounding properties in the immediate area.

The applicant/agent referenced no. 126 and 128 Cavendish Road, a similar layout as the current site, however, the two properties are considered to provide a degree of uniformity on the approach to Tunstead avenue which does not interrupt the symmetry between the two terraces at either side of the entrance to the avenue. The scheme before me although providing some visual changes to address the issues raised, does not result in an improved scheme and therefore the City Council does not support the changes made, particularly as the property opposite (no. 64 Cavendish Road) has a single storey side extension.

Overall, it is considered that the proposal would result in an undesirable and dominant feature within the street scene on the approach to Buxton Avenue and therefore would conflict with UDP saved policy DC1 for residential extensions and Core Strategy policies SP1 and DM1 and NPPF.

Scale and Massing

The size of the extension is considered unacceptable within the surrounding environmental context and is believed to provide an unacceptable visual appearance within the street scene which would impact upon the residential amenities of surrounding properties. It is therefore considered that the design, scale and appearance of the proposed extension is unsatisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design and Appearance

It is considered that the proposal has not been sited and designed appropriate to the character of the area and therefore does not accord with the principles for residential extensions set out in saved UDP policy DC1 and Core Strategy Policies DM1, SP1 and EN1.

Car Parking

Existing car parking arrangements would not be affected by this proposal as there is still adequate car parking retained within the curtilage of the site.

Disabled access

Not affected by this proposal

Bins

Bin storage is not affected by this proposal.

Conclusion

For these reasons, it is considered that the proposal would have an unacceptable impact to the detriment of neighbouring occupiers. In light of this, the proposed extension is considered to be unacceptable in terms of their appearance and would be detrimental to visual and residential amenity within the area contrary to saved UDP policy DC1 and Core Strategy Policies DM1, SP1 and EN1.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) The proposed part single part two storey side extension by reason of its scale, massing and siting; would create an over dominant and incongruous feature within the street scene which would be out of character with the area in general, to the detriment of visual amenity and as such is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

3 Buxton Avenue, Manchester, M20 1JT
64 Cavendish Road, Manchester, M20 1QF
60 Cavendish Road, Manchester, M20 1QE
Brocklehurst, 65 Cavendish Road, Manchester, M20 1JG
6 Buxton Avenue, Manchester, M20 1JT
5 Buxton Avenue, Manchester, M20 1JT
4 Buxton Avenue, Manchester, M20 1JT
2 Buxton Avenue, Manchester, M20 1JT
1 Buxton Avenue, Manchester, M20 1JT

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA