

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136752/FH/2023

Date registered valid: 25 April 2023

Proposal: Conversion of existing outbuilding and erection of ground and first floor extension to existing outbuilding to link with the existing dwelling to form additional living accommodation, with associated elevational alterations to outbuilding.

Address: 21 Clifton Avenue, Manchester, M14 6UD

Ward(s): Withington Ward

Applicant: Mr Kam Lai

Agent (if any): Mr Ian Hunter Plande

Case officer: Katie Raw
Tel: 0161 234 4164
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Recommendation: Refuse

Date of recommendation: 19 June 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 17 May 2023

Standard consultations:

Printed: 12 May 2023 Expired: 2 June 2023

Neighbour notifications

Printed: 12 May 2023 Expired: 2 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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 21 Clifton Avenue within the south Manchester ward of Withington. The property relates to a two storey, red brick dwellinghouse with mock gothic features. The property is sited against the eastern boundary of the site and several outbuildings are positioned along the northern boundary of the site, including a large garage. Off street parking is provided in front of the garage contained within the curtilage of the amenity space. Since the property is situated to the rear of the plot, amenity space for the property consists of a front garden, with an entrance leading from the street to the property. The site is covered by a range of fruit trees and dense, soft landscaping.

Description of development

The submitted application seeks planning permission for the conversion of existing outbuilding and erection of ground and first floor extension to existing outbuilding to link with the existing dwelling to form additional living accommodation, with associated elevational alterations to outbuilding.

The existing outbuilding would be converted and a new first floor would be created. As such, the height of the outbuilding would increase by approximately 1 metre giving an overall height of 5.6

metres, and the length would also increase by 1 metre. The previous permission created a first floor by converting the existing loft space.

A single storey extension would be sited off the existing garage which would offer a link between the converted garage and the host property. As such, the existing single storey storage, bar and sun room would be removed and the single storey extension would have approximate dimensions (at the largest point) of Height: 3.4 x Length: 8.9 x Width: 5.7 metres.

The proposal would also create a courtyard at the north eastern corner of the site.

The proposal on the ground floor, in addition to the garage/ storage, would create a W/C, storage/ utility room, kitchen and dining room, and living room. The proposal on the first floor would create two bedrooms and two en-suites.

Elevational alterations would occur as a result of the proposal. The proposal would involve the insertion of three windows within the enlarged gable of the outbuilding, 10 windows within the outbuilding and link to the existing property, and nine rooflights across the proposal.

Materials to be used would match that of the host property.

Planning history

134766/FH/2022- Conversion of existing outbuilding and erection of ground floor extension to existing outbuilding to link with the existing dwelling to form additional living accommodation, with associated elevational alterations to outbuilding.
Approved 2 December 2022.

F08720- 21 Clifton Avenue, Fallowfield- Erection of a 2-storey block of 6 elderly persons flats.
Refused 6 September 1978.

F14897- 21 Clifton Avenue, Fallowfield- Single storey extension at side of house to form a bedroom and bathroom.
Approved 4 March 1981.

Consultations & Notification Responses

Local residents

Local residents were consulted and two neighbour objections were received. Concerns were raised including increased noise, light pollution and overlooking from the proposal. Concerns were raised that the proposal could create an unacceptable precedent for the street, with other properties wishing to convert garages to living accommodation, which could be then let as separate residential units. Detrimental harm to the character of the area was also raised. Whilst one neighbour explained they were happy with previous planning history granted (planning ref: 134766/FH/2022), they were unhappy with the current plans proposed.

South East Fallowfield Residents Association

A response was received from both the Fallowfield & Withington Community Guardians and South East Fallowfield Residents Group. Whilst the response states the groups were happy for the proposal to benefit the needs of the applicant, concern was raised about the sustainability

for the long term use as a family house. Concern was raised that the alterations would allow for the property to be used as an Airbnb in the future. The group supported the recent planning approval, but stated the current application creates the look of a two storey house which would feel too large in its location. Concern was also raised that the bathroom at the front of the house, which is at a greater height than the approved application, would overlook neighbours opposite at numbers 12, 10 and 8 Clifton Avenue.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 9: Promoting sustainable transport - States that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.
- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1(Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that 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 the 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 a 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.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) 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;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

ISSUES

Principle of Development

The submitted application seeks planning permission for conversion of existing outbuilding and erection of ground and first floor extension to existing outbuilding to link with the existing dwelling to form additional living accommodation, with associated elevational alterations to outbuilding. 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 and design and appearance. The creation and extension of a first floor level was raised as a concern within the previous planning application (planning ref: 134766/FH/2022) and was subsequently removed from the proposal. However, within the current application, the applicant did not wish to amend the scheme and instead receive a refusal.

Visual/Residential Amenity

The current application would increase the height and length of the existing outbuilding, to create an additional first floor for the outbuilding to provide additional living accommodation.

Within the application, a Daylight and Sunlight Assessment was presented. Although there are a few windows presented in the report that would look onto the neighbour's proposal, any impact in terms of loss of light is not considered to be severe.

As such, the LPA's objection is not about the impact in terms of loss of light/ overshadowing, but the overbearing impact for no.19 Clifton Avenue. The height and length of the outbuilding would increase by 1 metre in height and as a result the bulk of the outbuilding would also increase. The outbuilding and additional bulk would be sited against the shared boundary with no.19 Clifton Avenue and would be sited 2.5 metres from the side elevation of the neighbouring property, at the closest point. As such, due to the form and the increased bulk of the gable window within the outbuilding which would extend the length of the existing outbuilding, plus an additional metre, the proposal would result in additional built form pushed up against the boundary. This would be felt from the side amenity space of no.19 Clifton Avenue and from the windows on the side of no.19 Clifton Avenue. This is considered to create an adverse harmful impact to the detriment of the neighbouring property, contrary to Policy DC1 of the UDP.

Design and Appearance

Whilst the materials chosen for the proposal would be considered acceptable, the form and massing of the proposal is not. The proposal would change the appearance of the outbuilding, from an outbuilding in connection to the dwellinghouse, to an excessively large and overbearing structure. The result would be contrary to Policy DC1 of the UDP.

It is noted that a structure of this height could not be achieved through the route of Permitted Development.

During the course of the application, the agent was reminded of the previous approval (planning ref: 134766/FH/2022) and the amount of additional space that was granted through the permission. The previous approval allowed a large amount of additional living space to be achieved without changing the appearance of the outbuilding, resulting in a structure which would not negatively impact the neighbours. The current application changes the form and appearance of the outbuilding in a way that is unacceptable and would create an excessively large structure in the site context.

Within the planning statement, the agent stated the change to the outbuilding in massing and form would be similar in appearance to the newly built property of no.21a Clifton Avenue. Whilst the insertion of windows into the gable of the extension would be similar, the siting of this property is different in the plot and forms a whole property, rather than an outbuilding in connection with the host property.

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

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. In this instance officers have

worked with the applicant in a positive and proactive manner, however no revised plans were received.

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

- 1) The conversion of existing outbuilding and erection of ground and first floor extension to existing outbuilding to link with the existing dwelling to form additional living accommodation, with associated elevational alterations to outbuilding, would form an overly dominant and obtrusive feature for no.19 Clifton Avenue and the immediate streetscene. The proposal would therefore have an unduly harmful impact on visual and residential amenity, which is contrary to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

South East Fallowfield Residents Association

2 Raveley Avenue, Manchester, M14 6WA
1 Raveley Avenue, Manchester, M14 6WA
8 Clifton Avenue, Manchester, M14 6UB
14 Clifton Avenue, Manchester, M14 6UB
10 Clifton Avenue, Manchester, M14 6UB
7 Brook Road, Manchester, M14 6UE
5 Whiteoak Road, Manchester, M14 6UA
21A Clifton Avenue, Manchester, M14 6UD
19A Clifton Avenue, Manchester, M14 6UD
Flat 12, Brook Court, Brook Road, Manchester, M14 6UE
5 Brook Road, Manchester, M14 6UE
Flat 4, 17 Clifton Avenue, Manchester, M14 6UD
Flat 3, 17 Clifton Avenue, Manchester, M14 6UD
Flat 2, 17 Clifton Avenue, Manchester, M14 6UD
Flat 1, 17 Clifton Avenue, Manchester, M14 6UD
Flat 4, 9 Brook Road, Manchester, M14 6UE
Flat 1, 9 Brook Road, Manchester, M14 6UE
Flat 1A, 23 Clifton Avenue, Manchester, M14 6UD
Flat 2, 23 Clifton Avenue, Manchester, M14 6UD
Flat 3, 19 Clifton Avenue, Manchester, M14 6UD
Flat 1, 19 Clifton Avenue, Manchester, M14 6UD
Flat 8, Brook Court, Brook Road, Manchester, M14 6UE
Flat 4, Brook Court, Brook Road, Manchester, M14 6UE
Flat 10, Brook Court, Brook Road, Manchester, M14 6UE
Flat 11, Brook Court, Brook Road, Manchester, M14 6UE
17 Clifton Avenue, Manchester, M14 6UD
12 Clifton Avenue, Manchester, M14 6UB
Flat 5, 9 Brook Road, Manchester, M14 6UE
Flat 3, 9 Brook Road, Manchester, M14 6UE
Flat 2, 9 Brook Road, Manchester, M14 6UE
Flat 4, 23 Clifton Avenue, Manchester, M14 6UD
Flat 3, 23 Clifton Avenue, Manchester, M14 6UD
Flat 1, 23 Clifton Avenue, Manchester, M14 6UD
Flat 4, 19 Clifton Avenue, Manchester, M14 6UD
Flat 2, 19 Clifton Avenue, Manchester, M14 6UD
3 Raveley Avenue, Manchester, M14 6WA
Flat 9, Brook Court, Brook Road, Manchester, M14 6UE
Flat 6, Brook Court, Brook Road, Manchester, M14 6UE
Flat 5, Brook Court, Brook Road, Manchester, M14 6UE
Flat 3, Brook Court, Brook Road, Manchester, M14 6UE
Flat 2, Brook Court, Brook Road, Manchester, M14 6UE
Flat 1, Brook Court, Brook Road, Manchester, M14 6UE
Flat 7, Brook Court, Brook Road, Manchester, M14 6UE
7A Brook Road, Manchester, M14 6UE

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Wilmslow Road/Egerton
Road)
Area Team Boundary - Name: SOUTH AREA