

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137122/FH/2023

Date registered valid: 31 May 2023

Proposal: Erection of a single storey rear extension with associated raised patio area.

Address: 70 Kenworthy Lane, Manchester, M22 4EF

Ward(s): Northenden Ward

Applicant: Joseph Prince & Dominic Fitzgerald

Agent (if any): Tomislav Vuletic, Flocc Studio Ltd

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26 July 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13 June 2023

Standard consultations:

Printed: 6 June 2023 Expired: 27 June 2023

Neighbour notifications

Printed: 6 June 2023 Expired: 27 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 70 Kenworthy Lane within the south Manchester ward of Northenden. The property relates to a two storey, semi-detached dwellinghouse with teal coloured render to the front and side elevation and cream render to the rear elevation. Amenity space to the front of the property is characterised by a large, flagged driveway which extends alongside the side of the property. Amenity space to the rear is characterised by a landscaped area and areas of hardstanding. A couple of outbuildings are located to the rear of the site and the property benefits from a 7.7 metre single storey outrigger sited along the shared boundary with no.68 Kenworthy Lane.

Description of development

The submitted application seeks planning permission for the erection of a single storey rear extension with associated raised patio area.

The existing 7.7 metre single storey outrigger would be removed for the proposal and a smaller, wider extension would be built with approximate dimensions of Height: 3.7 x Length: 4.5 x Width: 7.2 metres. The extension would have a window and sliding door within the rear

elevation, sliding windows within the side elevation and three skylights within the flat roof plane. The extension would create a new dining room and kitchen.

The rear patio (terrace) would be sited to the rear and side of the proposed rear extension. It would have an approximate area of 51.6 square metres and would be sited approximately 0.4 metres above ground level. Two steps would allow access from the rear garden to the terrace and a further step would allow access onto the terrace, close to the shared boundary with no.72 Kenworthy Lane. Although not applied for within the application, two privacy screens would be inserted on the sides of the terraced area on the northern and southern boundary, with an approximate height of 1.7 metres.

The materials to be used throughout the proposal would be as followed:

- Windows and doors- black aluminum (different to existing)
- Terrace- brick retaining walls with paving or external grade porcelain tile.
- Brickwork to complement existing
- GRP flat roof membrane (different to existing tiled roof)

Planning history

CDN/23/0135- Discharge of condition number 5 (Flood Risk Assessment) from planning approval reference 135460/FH/2022.
Approved 21 April 2023.

135460/FH/2022- Erection of a single storey rear extension and rear patio.
Approved 30 January 2023.

The current application has a smaller footprint in terms of both the projection of the extension and the size of the raised patio area.

Consultations & Notification Responses

Local Residents

Local residents were consulted, and no response was received.

Flood Risk Management Team

The Flood Risk Team were consulted on the application and provided the following response:

The information uploaded to the Planning Portal 31 May 2023 has been considered.

An acceptable FRA has been submitted in support of the proposal.

We recommend no Condition for this application. We recommend the following Informative is included in the Decision Notice:

Informative

MCC records highlight that the underground Green Park Drain is located within close proximity to the site (approximately 2m to the west of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further

investigation works should take place to identify the asset and MCC should be contacted immediately.

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 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 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).

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of Development

The submitted development application is for the erection of a single storey rear extension with associated raised patio area. This is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual /Residential Amenity

Rear extension:

As existing no.68 Kenworthy Lane experiences the full length of the applicant's existing outrigger, which closely aligns with the rear building line of the neighbour. As a result of the proposal, the extension would have a length of 4.5 metres and be smaller than the neighbour's existing outrigger. As such, no.68 Kenworthy Lane would not experience any built form beyond their rear building line and so would not be impacted by the proposal- in terms of overbearing, light implications or adverse privacy implications.

The applicant property would feel a small section of built form beyond the new rear building line but would not give rise to any adverse implications to the applicant.

No.72 Kenworthy Lane would experience additional built form closer to the shared boundary with the applicant than is currently the case. However, as the proposal would be sited 4 metres from the shared boundary and would face onto the neighbours existing single storey garage, the proposal should not create an overpowering feature. Further, the extension is only single storey. The proposal would involve bi-folding windows along the side elevation of the proposal. The windows could give rise to some overlooking. However, since the door would be sited 4 metres away, a privacy screen measuring 1.7 metres would be sited close to the boundary and since it would look onto the side elevation of the neighbour's garage, any overlooking or privacy implications would be minimal. A condition would be attached to any consent granted restricting the further insertion of windows or doors beyond those approved by this consent.

A further window and bi-folding doors would be inserted within the rear elevation of the proposal. Since there would be a 14.2 metre distance between the rear elevation of the proposed extension and the rear boundary line with no.68a Kenworthy Lane, it would not create any adverse residential/visual implications to those neighbours to the rear.

Raised patio:

The patio would be sited against the shared boundary with no.68 Kenworthy Lane and would have a maximum height of 0.4 metres. Although the applicants would be at a higher elevation to look into the neighbour's rear amenity space, the insertion of a privacy screen should help mitigate such impacts. As such, any impact is not considered to be significant.

Any impact to no.72 Kenworthy Lane would be mitigated by the 4 metre gap to the shared boundary and the 1.7 metres privacy screen that is indicated on the plans.

Although the patio would be seen from the streetscene, it would not give rise to any adverse implications to surrounding residents, as it would sit behind the front elevation of the applicant's property.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

Rear extension:

The rear extension would have a rearward projection of 4.5 metres and would therefore exceed the rearward projection specified within Policy DC1.3 of the UDP. Since the UDP policy came out, Permitted Development rights including the Larger Homes Extension route permits extensions larger in size, up to 8 metres. The property already benefits from a 7.7 metre extension, as does the adjoining semi. As such, the reduction to a 4.5 metre structure beyond the applicant's rear building line is an improvement on the amount of built form felt by the residents. Therefore, the length of the proposal and the form of the extension in this instance is considered acceptable.

Raised patio:

The patio would have a height of 0.4 metres, this exceeds the maximum height permitted through Permitted Development rights (0.3 metres). The additional 0.1 metres in height is minimal and given the natural slope of the rear amenity space and the insertion of the privacy screens, the additional height is considered acceptable. Although the patio would extend in area by approximately 51.6 square metres, adequate space to the front and rear of the property would be retained. As such, this element of the proposal is considered pursuant to Policy DC1.2 of the UDP.

Materials:

The materials to be used throughout the proposal would be as followed:

- Brickwork to complement existing
- GRP flat roof membrane (different to existing tiled roof)
- Windows and doors- black aluminium (different to existing)
- Terrace - Brick retaining walls with paving or external grade porcelain tile.

In this instance the materials to be used are considered appropriate and a materials condition to that effect would be attached to any consent granted.

Car Parking

Car parking would be unaffected by the proposal.

Refuse Storage

Refuse storage would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area. The proposal is considered acceptable and complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1 of the Unitary Development Plan.

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

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 and appropriate conditions to the approval have also been attached.

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:

- Householder Application for Planning Permission for works or extension to a dwelling, stamped as received by the City Council as Local Planning Authority on 31 May 2023.
- Drawing- Existing & Proposed- Plans and Elevations, stamped as received by the City Council as Local Planning Authority on 31 May 2023.
- Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 31 May 2023.
- Supporting Information- Flood Risk Certificate, stamped as received by the City Council as Local Planning Authority on 31 May 2023.
- Correspondence- Agent Email Re Materials, stamped as received by the City Council as Local Planning Authority on 15 June 2023.

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

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and Correspondence-Agent Email Re Materials specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

5) The development hereby approved shall be carried out in accordance with 'Supporting Information- Flood Risk Certificate', stamped as received by the City Council as Local Planning Authority on 31 May 2023, in relation to flood risk assessment. The scheme shall be implemented in accordance with the approved details and retained at all times thereafter.

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, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

6) Prior to the occupation of the development hereby approved the privacy screen identified on the approved drawings shall be installed and shall be retained in situ thereafter.

Reason - In the interests of residential amenity and to prevent overlooking and loss of privacy pursuant to policy DM1 of the Core Strategy.

Informatives

1)MCC records highlight that the underground Green Park Drain is located within close proximity to the site (approximately 2m to the west of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

68 Kenworthy Lane, Manchester, M22 4EF
68A Kenworthy Lane, Manchester, M22 4EF
57 Orchard Road West, Manchester, M22 4FD
72 Kenworthy Lane, Manchester, M22 4EF
61 Orchard Road West, Manchester, M22 4FD
59 Orchard Road West, Manchester, M22 4FD

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) -
Area Team Boundary - Name: SOUTH AREA