

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137067/PDE/2023

Date registered valid: 22 May 2023

Proposal: Prior notification of proposed larger home extension projecting 4m to the rear with a maximum height of 3.7m and a height at eaves of 2.9m

Address: 31 Falshaw Way, Manchester, M18 7TG

Ward(s): Longsight Ward

Applicant: Mrs Humaira T.I Begum, 31 Falshaw Way, Manchester, M18 7TG

Agent (if any): Mr Niamat Ali, NA Design, 47 Egerton Road South, Manchester, M21 0YW

Case officer: Angelina Ward
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Recommendation: Refused extension - GPD

Date of recommendation: 11 July 2023

Application details

Type of application: General Permitted Development-Extensions

Development type: Notifications

Standard consultations:

Printed: 02 June 2023 Expired: 02 June 2023

Neighbour notifications

Printed: 02 June 2023 Expired: 28 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: Not applicable

Tree Preservation Order: Not applicable

Description of area, site and proposal

This property is a two-storey mid-terrace dwellinghouse situated within a short row of three properties in the Gorton ward of Manchester. The application property benefits from amenity space to the rear elevation, with gated side access for car parking and a rear passageway which provides access to the rear garden of no. 31 Falshaw Way.

The surrounding area is predominantly residential in character, with the Gorton Education Village site along Wembley Road to the west of the application site - (comprising of: Melland High School, Cedar Mount Academy and Rushbrook Primary Academy).

Consultations & Notification Responses

In accordance with paragraph A.4(5) of the above-mentioned Order, each of the adjoining neighbours were notified of the proposal by letter dated 2 June 2023, with a deadline for responses being 28 June 2023.

Objections has been received and these are summarised as follows:

- Concerns regarding loss of light
- The extension will affect my house and will block the sunlight coming into my kitchen window as the kitchen and garden is east facing
- Concerned that there will be almost no sun in the garden once the extension is built

There have also been general comments received and have been noted, but these cannot be considered under this Prior Approval process, however, a summary of these comments has been provided below:

- Possibility the extension will cause cracks to appear
- Access issues for construction of the extension
- Noise issues during construction
- This property does not have access to do heavy building works, as it's in the middle of my property
- The height of the extension will increase cracks to appear very quickly during vibration
- This applicant has ongoing works to the property over the past month
- The building is quite tall and we are concerned that that damaged will occur and there could be issues of stability

As a result of the objections, it was necessary to assess the impact of the proposal on the amenity of any adjoining premises as set out in paragraph A.4(7) of the Order. Given the distance of the property at No.8 Salwick Way and the orientation of that property to the proposed development, the assessment has been made in relation to the impact on No.29 and No.33 Falshaw Way.

Policies

Prior Approval

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class A, Part 1, of Schedule 2 and having regard to paragraph A.4(9) as to the level of consideration afforded to impact on amenity.

The proposal is not a departure from the development plan.

Unitary Development Plan Saved Policies

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 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 the original buildings)
- b. they do not create an 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 street scene by virtue of design, use of materials or constructional 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 car 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 (12ft) in length

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

Policy SP1 identifies 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 including:-

- 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 or income.
- Protect and enhance the built and natural environment
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 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:-

- 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.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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):

- 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;
- 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c. approving development proposals that accord with an up-to-date development plan without delay; or
- d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 8. Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a. promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- b. are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c. enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Chapter 12. Achieving well-designed places

126. The creation of high-quality beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Issues

The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely based on its impact on the amenity of any adjoining premises - considering any representations received. The more general issues raised such as cracks or other damage to neighbouring properties or lack of access to undertake the extension, do not fall to be considered when assessing the impact on amenity of the proposal specific to this prior approval notification.

The proposed extension is a departure from the Development Plan, the Council's policy permitting extensions up to 3.65m; this exceeding that by 35cm. However, it meets the requirements governing larger house extensions under the amended 2015 Order.

The proposed development conflicts with the principles of Core Strategy Policy DM1. Whilst the principle of extending to the rear is accepted, what is proposed is overly large and bulky and it is considered that it would have a detrimental impact upon the amenity levels currently enjoyed by the neighbouring occupiers. This is particularly due to the proposed massing along the shared boundaries with No. 29 and No. 33 at ground floor level.

Saved Unitary Development Plan policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to: the general character of the property; the effect upon the amenity of neighbouring occupiers; the overall appearance of the proposal in the street-scene; Furthermore, DC1.2 states '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 the original buildings); they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details.

The proposal is to be a full-width extension that is to be constructed directly adjacent to the shared boundaries with No.29 and No.33. The extension would extend significantly above the boundary fences and occupy views along the boundary with No.29 and No.33. The rear elevations of the neighbouring properties include kitchen windows and double doors that open onto the rear garden, where the extension would dominate views from the most used part of the garden area at No. 29 and No. 33, consequently it will likely reduce sunlight and daylight in the rear rooms of No.29. The outlook from these openings and this area of the garden would be dominated by a 4 metre long, 3.75-metre-high brick wall, which slopes down to 2.8 metres at its lowest point. The rear gardens are northeast facing, however, there would still be a loss of light to the adjoining occupiers due to the height and rearward projection of the proposed extension.

In this case, it is considered that if the proposal were to be allowed it will be visually overbearing and will impact on the homes and gardens of No. 29 and No. 33 Falshaw Way.

Therefore, the proposal does not accord with saved Unitary Development Plan policy DC1.1 and DC1.2.

Saved Unitary Development Plan Policy DC1.3 sets a general limit of 3.65 metres on the depth of rear single storey extensions. The proposed 4 metre extension exceeds this amount by 35cms. The applicant's fallback position under permitted development would be to extend at the rear by 3 metres, which would be less harmful than the proposed 4 metre projection.

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: Refused extension - GPD

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

1) Manchester City Council confirms that objection(s) have been received and the City Council has therefore assessed the impact of the development on the amenity of all adjoining neighbours.

The Council believes that the development would impact on the residential amenity of the neighbours at No. 29 and No. 33 Falshaw Way, in that it would have an overbearing presence and have a detrimental impact on the living conditions of neighbouring residents. The extension would project considerably above the boundary fence and given its length, it is considered that it would dominate the most used part of the gardens at No. 29 and No. 33 and consequently it will likely reduce sunlight and daylight considerably to that area of the garden of No. 29, making the rooms to the rear of the neighbouring house appear dark and gloomy and generally less pleasant to use.

The proposed extension is considered unacceptable, in that it would likely be detrimental to neighbouring residential amenity. In addition, the proposed extension is considered to be unacceptable in terms of its scale and massing and would be detrimental to visual and residential amenity within the area. As such the development is considered to be contrary to saved Unitary Development Plan Policies DC1.1, DC1.2, DC1.3, and policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

29 Falshaw Way, Manchester, M18 7TG

33 Falshaw Way Manchester, M18 7TG

8 Salwick Way, Manchester, M18 7TT

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

Area Team Boundary - Name: CMPLNC