

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135947/FH/2023
Date registered valid: 11 January 2023
Proposal: Retention of part single, part two storey rear extension, rear roof dormer and associated roof and elevational alterations
Address: 48 Ash Tree Road, Manchester, M8 5AT
Ward(s): Crumpsall Ward

Applicant: Mr Mushtaq
Agent (if any): Mr Subhan Saleem
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 02.03.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 February 2023

Standard consultations:

Printed: 23 January 2023 Expired: 13 February 2023

Neighbour notifications

Printed: 23 January 2023 Expired: 13 February 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application property relates to a two-storey end terraced property located on a prominent position along Ash Tree Road to the south of Crumpsall Park. There is a public highway to the north of the application site that links the popular Ash Tree Road with residential estates situated to the east.

The property benefits from hard landscaping to the front with no.2 off street car parking spaces available and bay fronted windows along both ground and first floor elevations. The rear garden compromises the development recently approved under planning permission ref.

134241/FH/2021 a part single part two storey rear extension finished in a grey render with amenity space to the rear and an existing single storey rear brick built outbuilding. Boundary treatment in the form of timber fencing occupy the shared boundary with no. 46 Ash Tree Road with a high meshed fencing introduced along the northern boundary shared with the public highway.

The remainder of the area is residential in nature with houses of similar style and design.

Description of development

The application seeks planning permission for the retention of a single part single part two storey rear extension and rear roof dormer and associated roof and elevational alterations to form additional living accommodation. This application has been submitted as a result of unauthorised development erected as part of the previously approved planning permission

referenced 134241/FH/2021 and as such this application seeks to regulate the whole development.

Planning History

133701/PDE/2022 Prior notification of proposed larger home extension projecting 6m to the rear with a maximum height of 3.3m and a height at eaves of 3.3m. APPLICATION TURNED AWAY (LEGISLATIVE) 23.05.2022

134241/FH/2022 Erection of part single, part two storey rear extension to form additional living accommodation. APPLICATION APPROVED 25.08.2022

Consultations & Notification Responses

Local residents were notified and response was received. The objection letter's concern is outlined below:

- *Materials have not been complied with to match existing. Bears no resemblance to the rest of the property. Exacerbates the large and incongruous extension.*
- *The extension appears overly large and bulky and appears much broader than the plans outline. The extension significantly reduces adjoining properties views and blocks light into downstairs habitable rooms. Further, sizeable eaves and overhangs have been added that overhang the applicant's boundary on either side.*
- *Dormer was not included in the original plans but a massive one has been constructed that is the full width of the house that intrudes past the host's boundary line. Dormer's rear elevation windows command views of neighbouring back gardens along Ash Tree Road and properties along Whiston Road. Causes significant overlooking and loss of privacy impacts to neighbouring properties along Ash Tree Road causing distress to neighbouring occupiers who are Hijabi and as such their gardens are their private space where they can relax.*
- *Privacy concern relating to the rooflight within the single storey element of the rear extension could lead to possible overlooking to neighbouring occupiers' properties.*

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality 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.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

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.

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
- 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

DC1.4 In considering proposals for 2 storey side extensions, the council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the council will seek to ensure that:

- a) the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned
- b) the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole
- c) the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- 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.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how: -Both construction and demolition waste will be minimised and recycled on site wherever possible; -The sustainable waste management needs of the end user will be met.

Issues

The development is a part single part two storey rear extension, rear dormer and associated roof and elevational alterations to a residential dwelling, this is considered acceptable in principle as many people prefer to extend their homes rather than move in order 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.

Residential and Visual Amenity

Part single part two storey rear extension

On balance the part single part two storey rear extension is deemed acceptable in terms of residential and visual amenity upon the existing property and surrounding properties. The part two storey extension has incorporated a 2.9 metre set-in dimension to reduce the bulkiness and prevent an overbearing feature along the shared boundary with 46 Ash Tree Road. It is deemed the set-in dimension would also alleviate loss of sight lines in a northern direction from the first floor of the neighbouring property. Additionally, given the orientation of the property and the single storey nature of the extension that runs alongside the shared boundary, it is not considered that the extension would add harmful overshadowing or loss of light implications to neighbouring properties. Given that this property is an end terraced and shares a boundary with an open space park where overshadowing implications are expected it is therefore considered this would not add any significant residential or visual amenity impacts upon neighbouring properties.

Concerns were raised during the consultation period concerning possible overlooking implications of the rooflight implemented within the single storey rear extension's roof. However given this was a rear yard similar overlooking implications already existed before the extension was constructed therefore it is deemed the extension would provide negligible overlooking or loss of privacy impacts on the neighbouring properties.

The property benefits from a normal sized rear garden area and whilst the rearward projection of the extension is longer than referred to in DC1 with an overall length of 4.5 metres, it is below that which could be implemented as a maximum length under the larger homes extension regulations. It is considered that the proposal would not give rise to significant adverse impacts to visual and residential amenity to the neighbouring properties as to warrant refusal to the proposed development.

The application was submitted to regularise the totality of the unauthorised development as currently built and this mainly involves the gable wall configuration and elevational alterations of the two storey rear extension. It is considered the introduction of a gable wall profile would be minimum in terms of impact and would not be a prominent feature within the streetscene, given its position and orientation. The proposed development would allow for amenity space to be

retained along the rear of the application site (retaining 7.4 metres); therefore, it is considered an acceptable addition to the property.

Fenestration elements are situated along the rear elevation overlooking the rear garden. The proposed openings do not pose overdue intrusive sight lines issues into adjoining properties, maintaining privacy levels for neighbouring occupiers. A condition shall be applied to any approval regarding no further windows along the proposal.

Given the extension would protrude sideways past the rear elevation by 0.6 metres it is considered that the extension would be partially visible from within the streetscene in Ash Tree Road, but it is considered that as the extension is set back from the front of the main dwelling, the proposed extension would be subservient to the existing house and would have an acceptable appearance with a render finish common in the local streetscene such as 35- 39 Ash Tree Road and 2 Whiston Road with all differing finishes to the individual properties.

Rear dormer

The proposed rear dormer's nature of the works is not considered to impact upon light or outlook of surrounding occupiers. The design of the dormer incorporates the rear windows being setback from the eaves and would replicate views from second floor windows. Therefore it is deemed the proposal is acceptable and is not thought to significantly harm the residential amenity of the surrounding neighbouring occupiers.

Due to the arrangement and siting of the neighbouring properties the dormer would not be readily visible from the public highway and there is sufficient distance to the rear boundary with properties along Whiston Road, that it would not form a feature within either streetscene and the character of the area will remain unharmed. Therefore, installation of a rear dormer is considered acceptable and is not thought to significantly harm the visual amenity of the house or the wider area, the latter of which is not a conservation area.

Height, Scale and Massing

Part single part two storey rear extension

The height of the proposed extension appropriately relates to the height parameters of the existing building. The height of the proposed part single, part two storey rear extension has tied in with the existing building. The proposed extension has approx. dimensions of Height 7.6m x Width 6.5 along ground floor and 4.1m along first floor x Depth 4.5m. It should be noted that concerns were raised regarding the extension protruding past the host property's curtilage however the plans show that the extension is set within the boundary. The proposed extension has incorporated a dropdown level of approx. 1 metre from the original roof height, therefore it is deemed the proposal would be subservient to the main dwelling and contributes positively to the local character of the area.

Rear Dormer

The rear dormer would be sited along the rear elevation leaving a gap of 0.1 metres to the shared roof boundary line with no. 46 Ash Tree Road. The dormer provides an additional roof volume of approx. 60 cubic metres. The dormer would have approx. dimensions of Height 2m x Width 6.3m x Depth 4.1m, and would be set-in from the original eaves by 0.3metres with a flat roof design incorporating the roof profile.

It is deemed that the proposed extensions responds well to the dimensions, design and sitting of the neighbouring properties. On this basis, the proposed development has been appropriately related to Core Strategy policies SP1, EN1 and DM1, saved Unitary Development Planning policy DC1 and the National Planning Policy Framework.

On this account, it is considered the development would be consistent with the aspirations of saved UDP Policy DC1 and Core Strategy Policy DM1, proposed developments must provide a positive contribution to neighbourhoods taking into consideration the effects of development upon amenity, living conditions and wellbeing of residents.

Design and Appearance

The extensions have been designed and erected sympathetically to relate to the existing property and extension. Whilst the design of the rear extension is contemporary it is considered that the materials ensure that it is not an incongruous addition to the property. On balance it is considered that the design is acceptable in terms of Core Strategy policy DM1 and saved UDP Policy DC1. The existing property is red brickwork with a white/light grey finish along the gable configuration siting along the first floor of the front elevation. It is considered that given the local precedent for rendering finish within the streetscene and due to the location at the rear of the property, the extension would not be readily visible from the highway and therefore would not feature prominently within the streetscene. Further, the dormer materials have matched the existing tiled roof and given their siting would not feature within the local streetscene.

Extensions and alterations are a common feature along Ash Tree Road and the proposal does not remove important features of the property and the principal frontage would remain unchanged, though the house itself does not have particular architectural or historic merit. Due to the siting, appearance and scale of the extensions it is not considered that the extension has an unduly detriment impact upon the streetscene and the design is acceptable in terms of Core Strategy policy DM1 and saved UDP Policy DC1.

Car Parking

The existing off street car parking arrangement would be retained, with the proposal not affecting the current arrangement of off street car parking spaces located at the front of the dwelling.

Waste Management

The current bin refuse storage would not be affected however it appears from site visits that the bins are stored at the front of the property, therefore in accordance with policy DM1 and EN19 of the Core Strategy a bin storage condition will be attached to any approval to limit the visual and residential amenity of neighbouring properties.

Conclusion

Although it received objections, the proposal broadly complies with policies DM1, DC1, SP1 and the NPPF and it is not considered to significantly harm the existing levels of residential amenity enjoyed by neighbouring occupiers nor harm the visual amenity of the house or wider area. The development is deemed acceptable and the remaining works may follow the approved drawings and the following conditions.

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

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the application.

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: Local plan and drawing numbers:

Drawing: Floor Plan ref. SHEET4

Drawing: Elevation ref. SHEET5

Drawing: Location Plan ref. SHEET1

Drawing: Site Plan ref. SHEET6

All stamped as received by the City Council as Local Planning Authority on 11 January 2023

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

- 3) The materials to be used on the external surface of the development hereby permitted shall match those as specified in the application form and on the drawing 'Elevations ref. SHEET5'.

Reason- To ensure 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 policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

- 4) 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 the approved plans.

Reason- In the interest of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 and DM1.

- 5) Details of a secure and ventilated bin store shall be submitted to approved by the City Council as Local Planning Authority. The approved bin store shall be implemented and be in place prior to the first use of the extension and shall be so maintained and retained at all times thereafter.

Reason - In the interests of the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Parks & Events

42 Ash Tree Road, Manchester, M8 5AT
35 Ash Tree Road, Manchester, M8 5AX
Bottom Flat, 37 Ash Tree Road, Manchester, M8 5AX
Top Flat, 37 Ash Tree Road, Manchester, M8 5AX
46 Ash Tree Road, Manchester, M8 5AT
44 Ash Tree Road, Manchester, M8 5AT
41 Ash Tree Road, Manchester, M8 5AX
39 Ash Tree Road, Manchester, M8 5AX
1 Whiston Road, Manchester, M8 5AU
2 Whiston Road, Manchester, M8 5AU

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA