

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136272/FH/2023

Date registered valid: 15 February 2023

Proposal: Erection of two storey side, part single part two storey rear extension together with front extension to form additional living accommodation

Address: 5 Ellenbrook Close, Manchester, M12 5PB

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr and Mrs. F. N. Najafi

Agent (if any): Mr Ahmad Turkmani, AT A. Design

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 12 April 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 March 2023

Standard consultations:

Printed: 27 February 2023 Expired: 20 March 2023

Neighbour notifications

Printed: 27 February 2023 Expired: 20 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application relates to a 2 storey semi-detached dwellinghouse within a predominantly residential area. The house has an existing single storey front porch (original to the property), gated side access with carport covering which is set back significantly from the front building line of the original house, including a timber frame shed along the rear garden. The existing depth of front and rear gardens are approximately 5.1 and 9.4 metres deep respectively. Off-street car parking is along the gable elevation and front driveway with the potential to serve at least 2 vehicles without overhang onto the public right of way. Due to the pre-existing housing layout, and pre-existing side facing windows along no.3 Ellenbrook Close and no.2 Brinsop Square, coupled with the existing contextual relationship along the common shared boundaries with no.3 Ellenbrook Close, no.2 Brinsop Square, and 7 Ellenbrook Close, the proposed development would be highly prominent along these elevations.

Description of development

The submitted application proposes a two storey side, part single part two storey rear extension together with front extension to form additional living accommodation.

The proposed extension along the ground floor would project approximately 1154mm deep forward of the front building line of the original dwellinghouse, and measure approximately 5712mm wide along the front elevation, whilst retaining a gap of approximately 700mm from the common shared boundaries with no.3 Ellenbrook Close and no.2 Brinsop Square. The extension would then project along these boundaries and beyond the rear building line of the original house and into the rear garden, approximately 13,306mm. It then comes forward of the common shared boundary with no. 7 Ellenbrook Close approximately 5560mm wide, whilst retaining a small gap of approximately 150mm from this boundary. The proposed rearward projection would be approximately 3600mm. The ground floor element would incorporate a lean-to pitch roof design - maximum proposed height approximately 2679mm along the rear elevation and approximately 3048mm and 3505mm along the front elevation; including 1no. window and a door along the ground floor front elevation, 2no. windows along the ground floor side elevation and bi-fold door long the rear elevation.

In terms of the first floor element, the proposed extension would be set back approximately 1000mm from the front building line of the original dwellinghouse, and measure approximately 1568mm wide along the first floor front elevation, whilst retaining a gap of approximately 700mm from the common shared boundaries with no.3 Ellenbrook Close and no.2 Brinsop Square. The first floor element would then project along these common shared boundaries and beyond the rear building line of the original house and into the rear garden, approximately 11,283mm. It then comes forward of the common shared boundary with no. 7 Ellenbrook Close approximately 3348mm wide, whilst retaining a distance of approximately 2415mm from this boundary. The proposed rearward projection would be approximately 3600mm. The first floor extension would incorporate a pitch roof design; including 1no. window along the first floor front elevation, 1no. window along the first floor side elevation and 1no. window along the first floor rear elevation. It is intended to use matching materials for the proposed extension.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received:

2. Environmental Health

It is advise the following conditions are to be attached to the application:

a) DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

b) NSE4(a)

Residential sound insulation

a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the nearby trainline shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary.

The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed

45 dB LAmax,F by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

2. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012.

It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

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

- a. 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, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

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.

Policy EN19 (Waste) - States that developers should have full regard to the economic and environmental benefits that well designed and run, waste management facilities can bring to the District, subject to any conditions required to protect the amenity of existing adjacent users, and encourage communities to take responsibility for the waste they create through the provision of accessible facilities.

Policy T2 (Accessible areas of opportunity and need) - States that the Council will actively manage the pattern of development to ensure that in new development: The car parking standards are maximums and the cycle and disabled car parking standards are minimums. However the Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

3. Saved Unitary Development Plan Policies (UDP)

Large elements of the UDP have been superseded by the Core Strategy Development Plan. However, saved Policy DC1 for Residential Extensions is still of relevance. This states:

DC1.1

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 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 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
- 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)

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.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Policy DC1.6

For the avoidance of doubt, policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Reasons: Many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The Council is not generally in favour of dealing with this issue by laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraph is of particular relevance:

- i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principle have not been satisfactorily incorporated into the development.

ISSUES

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed.

The key issues for this application are therefore the impacts upon the residential and visual amenity of nearby residential occupiers.

Residential and Visual Amenity

Having assessed the proposal a number of concerns relate to the scheme, particularly concerning the proposed depth of rearward projection along the first floor side boundaries, and the resultant massing impact, particularly with the extension coming significantly forward of the common boundaries with no.3 Ellenbrook Close, no.2 Brinsop Square and no. 7 Ellenbrook Close, coupled with privacy impact matters with the proposed side facing windows along the side boundary. It is considered that the proposed contextual relationship along the side boundaries, coupled with the proposed depth of rearward projection; particularly, along the first-floor at 3600mm will have a detrimental impact on the residential amenity of the neighbouring occupiers, particularly, those at no.3 Ellenbrook Close, no.2 Brinsop Square and no. 7 Ellenbrook Close, as a result of the extension having an overbearing and overshadowing impact; contrary to policy DM1 of the Core Strategy and saved UDP policy DC1.

As the first floor element has a rearward projection of approximately 3600mm, and extends along the shared boundary, the overall size and scale of the extension in such close proximity to the first floor rear window of no. 7 Ellenbrook Close and the pre-existing habitable room windows along the side elevations of no.3 Ellenbrook Close and no.2 Brinsop Square is considered to create an overbearing presence to the detriment of the amenity of neighbouring occupiers in terms of the resultant outlook of a large expanse of brickwork; contrary to policies DM1 of the Core Strategy and saved UDP policy DC1

In addition, due to the orientation of the application building, the extension would lie to the north and south-east of the immediate dwellinghouses along the side boundaries. This means that overshadowing impacts would be particularly detrimental at around mid-afternoon and due to the close proximity of the extension to the neighbouring boundary and nearby habitable room windows, these potential impacts are considered to be undue and contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

With regards to the proposed front extension, in light of the scale of existing front porch, and due to the fact that the proposed front extension would measure approximately, 1000mm deep x 5696mm wide x 3048mm and 3505mm high, it is considered that the proposed scale projecting forward of the original dwellinghouse would have an unacceptable unsympathetic impact on the character of the dwellinghouse and wider Ellenbrook street scene; whilst also compromising the number of off-street car parking spaces; contrary to policies DM1 of the Core Strategy and saved UDP policy DC1.

In terms of car parking arrangements, the submitted information indicates a significant loss of the existing on-site car parking space along the front and side elevation of the existing dwellinghouse to accommodate the proposed front and side extension element, and therefore as a result, the proposed depth of on-site car parking would not conform with Manchester Council's minimum guidelines at 6m; contrary to policies DM1, T2 of the Core Strategy and saved UDP policy DC1.

Moreover, refuse management arrangements have not been sufficiently demonstrated; whilst a significant amount of the existing amenity space along the side elevation of the existing dwellinghouse and the existing gated access to the rear garden would be lost to accommodate

the proposed side extension, a proposed access of approximately 700.00mm would be left along the side elevation of the proposed front and side extension element, the proposed width of access to be retained does not conform with the Council's minimum standard to be considered wide enough for the safe passage of wheeled bins and it is unclear how wheeled bins would be stored; contrary to policies DM1, EN19 of the Core Strategy and saved UDP policy DC1.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposal would create an unsympathetic, overbearing cumulative feature by virtue of its size, scale and massing and in terms of its relationship along the common boundaries with no.3 Ellenbrook Close, no.2 Brinsop Square and no. 7 Ellenbrook Close; for these reasons, if the proposed development were to be allowed, it would unduly impact on the homes and gardens of the adjoining properties, including the character of the wider Ellenbrook Close street scene. It is therefore considered that the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1, T2, EN19 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012); and saved policy DC1 of the Unitary Development Plan (1995).

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. The application has been determined in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan, the Core Strategy, the National Planning Policy Framework and all other material considerations; however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed extension by reason of its relationship along the common boundaries with no.3 Ellenbrook Close, no.2 Brinsop Square and no. 7 Ellenbrook Close would create an unsympathetic, overbearing cumulative feature by virtue of its size, scale and massing impact to the detriment of the residential amenity of the neighbouring occupiers and the wider neighbourhood; contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed extension, by reason of its projection, scale, height and massing in close proximity to the common boundaries, gardens and the habitable room windows of no.3 Ellenbrook Close, no.2 Brinsop Square and no.7 Ellenbrook Close would give rise to undue overshadowing and loss of light to the detriment of the amenity that the neighbouring occupiers could reasonably expect to enjoy. The proposed development is therefore contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

1 Ellenbrook Close, Manchester, M12 5PB
2 Brinsop Square, Manchester, M12 5PL
4 Brinsop Square, Manchester, M12 5PL
3 Ellenbrook Close, Manchester, M12 5PB
7 Ellenbrook Close, Manchester, M12 5PB
14 Ellenbrook Close, Manchester, M12 5PB
12 Ellenbrook Close, Manchester, M12 5PB
6 Brinsop Square, Manchester, M12 5PL

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA