

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135723/FH/2022
Date registered valid: 12 December 2022
Proposal: Erection of single storey side extension and part single, part two storey rear extension to form additional living accommodation
Address: 22 Whitsbury Avenue, Manchester, M18 7NS
Ward(s): Longsight Ward

Applicant: Mr Emmanuel Nwambu
Agent (if any): Mr V Alyas Architek
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 28 February 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 February 2023 Expired: 24 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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is located in a residential cul-de-sac characterised by semi-detached houses over two storeys. The houses comprise of red brick with slated tiled hipped pitched roofs. The front garden has a triangular configuration with pedestrian access. Car parking is provided remotely in a communal car parking area within the adjacent cul-de-sac. The application property is orientated at a 90 degree angle to the property at No 20, with the two properties separated by a boundary fence at 45 degrees. The property has a large rear garden.



Fig.1 – Views of the front and rear of the application site.

Description of development

During the consideration of the planning application, the proposed design has been amended to reduce the amount of built form at ground floor level. The proposals is illustrated at Fig. 2 and comprises of:

Ground floor – An L-shaped ground floor extension that would be offset from the shared boundary with No 24 and have a rearward projection 4 metres (4.7 metres including the eaves projection beyond the proposed rear wall). The extension would project beyond the existing side elevation by 2.7 metres, have a length of 8.7 metre and set back from the principal elevation by 1.6 metres. The main part of the roof viewed from the rear would consist of a hipped pitch roof that would be 3.5 metres at its highest point and 2.5 metres at the eaves. The front elevation (to the side extension) would form a gable elevation. The siting the extension would retain access to the rear garden.

First floor – An extension would be formed that aligns with the side (western) elevation and a rearward projection of 4 metres. The width of the extension would extend across the rear wall by 4.27 metres and set back from the boundary with No 24 by 2.8 metres. The eaves would align with the existing roof. The main part of the roof would form a hipped pitched with a maximum height of 6.6 metres.

The proposed extensions would be composed in matching materials. New grey uPVC windows would be installed. The windows to the extension would be positioned the side (western) and rear (southern) elevations of the ground floor extension and rear elevation and at first floor extension. Bi-folding doors would also be formed in the ground floor rear elevation.

Internally, the extensions would form an enlarged kitchen, WC/shower, study and lounge / dining room. At first floor an additional bedroom would be formed ,i.e., 3-bedroomd in total.

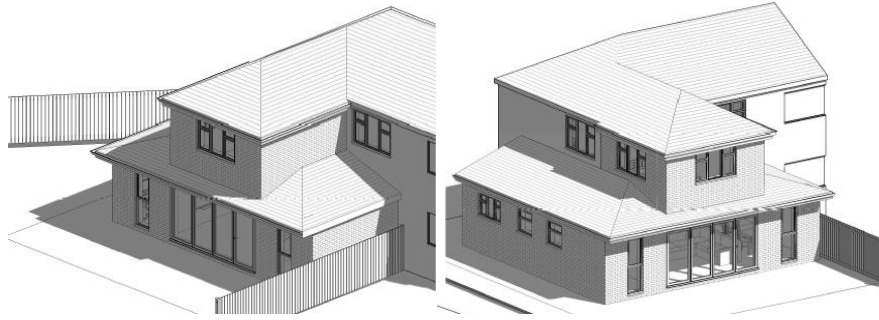


Fig.1 – Views of the proposed extensions

Consultations & Notification Responses

Local residents – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless 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.

i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 92). The application property is in a context of densely development housing. However, the positioning of neighbouring gable elevations and position of windows would ensure that the siting of the proposed extension would not unduly harm residential amenity. Appropriate amenity space would be maintained and there would be no apparent impact on on-site security Chapter 8 would thereby be accorded with.

ii. Chapter 12: Achieving well-designed places - States that 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 (paragraph 126). Paragraph 130 further states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment.

The proposed development has been suitably informed by the characteristics of the existing property and its context. The use of matching materials would secure a cohesive relationship to

the existing house, including its roof composition. The development would and thereby accord with chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being.

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 aspects of the Core Strategy are considered to be relevant:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

- i. The creation of neighbourhoods of choice
- ii. The development should make a positive contribution to neighbourhoods of choice including:
 - a. Creating well designed places that enhance or create character.
 - b. Making a positive contribution to the health, safety and wellbeing of residents
 - c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - d. Protect and enhance the built and natural environment.
 - e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the development would relate appropriately to the housing in the area, in relation to its siting, design and composition. The development would not, therefore, unduly harm existing levels of residential amenity and policy SP1 would be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment.

In this case, it is considered that the quality of the proposed design would respond appropriately to the existing built form and achieve a cohesive design response that relates appropriately to the character and proportions of the host building. The development would thereby accords with policy EN1.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. How the sustainable waste management needs of the end user will be met.

The existing arrangements would be retained. Access to the rear garden would be maintained to allow bin storage to be undertaken within it. The development would thereby continue to comply with policy EN19.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in terms of design, height, scale, massing and potential impact on residential amenity. The development would also be appropriately related to in the character of the original house through its proportions and composition in matching materials. The development would thereby accord with policy DM1.

Unitary Development Plan - The following saved policies are considered to be relevant:

Policy DC1 - Residential Extensions

Policy 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 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.

Policy 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 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 streetscene 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 parking problem that unacceptable additional pressures would be created.

Policy DC1.3 - Sets out the circumstances whereby, notwithstanding the generality of the above policies, the Council will not normally approve planning permission for residential extensions. This includes rearward extensions greater than 3.65m (12 ft) in length and 2-storey extensions which occupy the full width of the house.

It is considered that the height, scale and proportions of the extension would be acceptable and would allow the adaptation of the property to meet changing household needs. The rearward projection of the extension would exceed the rearward projection referenced in policy DC1.3. However, the proposed rearward extension has been reduced from 6 to 4 metres at ground floor level, which when viewed in conjunction with the composition of the development would secure the required subservience to the existing house. The development would be appropriately related to policy DC1.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes. In this case, Discussions with the applicant resulted in the submission of revised details and reduction in the rearward projection of the development at ground level to secure a more appropriate relationship to the existing house and its context. On the basis of the submitted details it is considered that sufficient information has been provided to facilitate the assessment of the proposed development.

Principle - It is considered that the development would be a proportionate response to the resident's need for additional accommodation. The development has been appropriately related to its context and the character of the existing house. The development is therefore considered to be acceptable.

Use - A condition has been included to ensure that the property continues to be occupied as a single Class C3 dwellinghouse.

Residential amenity and window position – The development would introduce habitable room windows in the side elevations, which would not be usual supported without obscured glazing. At ground floor there are existing windows in the side elevation and the development would be reflective of an existing circumstance albeit in closer proximity. The reposition of the proposed kitchen window to the northern elevation would present potential overlooking issues due to the orientation of No 20 and the proposition of windows in its side elevation the configuration of the first floor layout has necessitated the inclusion of windows in the side elevation. The impact of these windows however, would be reduced by the by the orientation of No 20 and the configuration of its garden and boundary. Any overlooking would not be directed to the more sensitive areas of the garden, i.e., around the patio area. Moreover, the relationship would be potentially less intrusive than the between rear first floor windows to No 22 and the neighbouring garden to No 24. On balance, it is not considered that the development would unduly harm residential amenity.

Height, scale and massing – The height of the component parts of the development has been appropriately related to the existing house and its context. The formation of the space within the development would secure its appropriate scale and massing. It is considered that the development would introduce proportionate additions to the building that would be appropriately related to the character of the existing house.

Siting - The proposed extensions have been related to the specific configuration of the application property, including its external space. The projection of the single storey rear extension has been reduced to secure a more appropriate relationship to the neighbouring properties, which are characterised by relatively large garden areas.

Design - The rear extension would have a simple elevational form that reflects the character of the existing house, including the incorporation of the hipped pitched roofs. The inclusion of matching brickwork would secure a coherent relationship to the main house. The proposed window design is considered to be appropriate. A cohesive relationship to the existing house would be maintained through the proposed use of matching materials. The proposed design is therefore considered to be acceptable.

Land conditions – The site is located in an established residential area and historic land conditions have not been identified that may impact upon the development.

Conclusion - The proposed development would be meet the requirements of Council policy and be appropriately related to the existing housing in the surrounding context.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. Discussions with the applicant resulted in the submission of revised details and reduction in the rearward projection of the development to secure a more appropriate relationship to the existing house and its context. On the basis of the submitted details, it is considered that sufficient information has been provided to facilitate the assessment of the proposed development.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority received on 12 December 2022 and as an attachment to the Architek Design email dated 15 February 2023:

Householder application forms

Location and site plan Ref: A101 Rev P3

Proposed floor plans Ref: A103 Rev P3

Proposed elevation Ref: A104 Rev P3

3D Floor plans Ref: A105 Rev.P3

3D Impression 1 Ref A106 Rev.P3

3D Impression 2 Ref A107 Rev.P3

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 for the City of Manchester.

3) The materials to be used in the construction of the extension hereby approved, including bricks and roof tiles, together with the method of coursing and pointing, shall match the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) 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 shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings referenced: Proposed floor plans Ref: A103 Rev P3; Proposed elevation Ref: A104 Rev P3; 3D Floor plans Ref: A105 Rev.P3; 3D Impression 1 Ref A106 Rev.P3 and 3D Impression 2 Ref A107 Rev.P3.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Before first occupation the window in the ground floor west elevation of the side extension relating to a WC and shower room shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

185 Holmcroft Road, Manchester, M18 7WQ
18 Whitsbury Avenue, Manchester, M18 7NS
179 Holmcroft Road, Manchester, M18 7WQ
40 Whitsbury Avenue, Manchester, M18 7NS
31 Whitsbury Avenue, Manchester, M18 7NS
29 Whitsbury Avenue, Manchester, M18 7NS
183 Holmcroft Road, Manchester, M18 7WQ
43 Sandown Crescent, Manchester, M18 7WG
37 Sandown Crescent, Manchester, M18 7WG
27 Whitsbury Avenue, Manchester, M18 7NS
25 Whitsbury Avenue, Manchester, M18 7NS
24 Whitsbury Avenue, Manchester, M18 7NS
20 Whitsbury Avenue, Manchester, M18 7NS
181 Holmcroft Road, Manchester, M18 7WQ
41 Sandown Crescent, Manchester, M18 7WG
39 Sandown Crescent, Manchester, M18 7WG

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
Area Team Boundary - Name: NORTH AREA