

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135905/FH/2023
Date registered valid: 19 January 2023
Proposal: Erection of single storey rear extension to form additional living accommodation together with raised patio to the rear
Address: 15 Whernside Avenue, Manchester, M40 9PN
Ward(s): Moston Ward

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

Recommendation: APPROVE
Date of recommendation: 14.03.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 14 February 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 1 February 2023 Expired: 22 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: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The proposed application site relates to a two storey semi-detached brick built property within Moston, North Manchester. The property benefits from hard landscaping to the front and side with an existing single storey conservatory and detached garage situated within the rear garden. The property gently slopes down to the rear boundary with boundary treatment in the form of timber fencing occupy the shared boundaries with high vegetation screening occupying the rear boundary.

The remaining area is residential in nature with houses of similar style and design. Boggart Hole Clough is situated to the north and west of the application site.

Description of development

The application seeks planning permission for the erection of a single storey rear extension and raised patio area with associated fencing following the demolition of the existing single storey conservatory and detached garage.

Consultations & Notification Responses

Local residents were notified however none responded.

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.

Chapter 16: Conserving and enhancing the historic environment-

States that heritage assets range from sites and buildings of local historic value to those of the highest significance, such

as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 197- In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- i) the relationship of new structures to neighbouring buildings and spaces;
- ii) the effect of major changes to the appearance of existing buildings;
- iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv) the effect of signs and advertisements;
- v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

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 EN3 (Heritage); states that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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

Principle

The submitted application is for the erection of a single storey rear extension and a raised patio area. This is considered acceptable in principle as many people prefer to alter and 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's properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Residential and Visual Amenity

The proposed single storey rear extension will replace the existing rear conservatory's footprint and would have approx. dimensions of Height 4.6m x Width 7.3m x Depth 7.1m x Rearward Projection 4m. The extension would be sited approx. 0.338m and 0.8m away from the shared boundaries with no.13 and no.17 Whernside Avenue, respectively. Given the single storey nature of the extension and the existing footprint of the conservatory it is not considered that the additional built form seen along the shared boundary with no.13 Whernside Avenue would create an overbearing feature or lead to overshadowing or loss of light implications to the neighbouring property.

As mentioned above the proposed extension would be sited approx. 0.8metres from the shared boundary with no.17 Whernside Avenue, the extension would have a slight wraparound feature along the northern facing elevation with a width of 1.5metres. It is deemed given the single storey nature of the extension and the existing boundary treatment it is considered an acceptable feature that would not lead to an overpowering feature for the neighbouring property. However it is acknowledged that the neighbouring property may experience additional overshadowing during the evening sun however this is alleviated during the morning and afternoon sun and given their own existing garage's footprint situated on this shared boundary it is expected to block out some of the additional shadowing impacts from the host's extension.

The extension would be partially visible from the front elevation or the local streetscene, and it is designed to form a seamless relationship with the original dwelling. This will be achieved by the completing the development with matching materials to existing which are conditioned to match on any approval of the scheme.

Further, the raised patio would extend by an additional 2.4metres from the proposed rear elevation maintaining the 0.338 metre gap to the shared boundary with no. 13 Whernside Avenue and 0.8metres from the shared boundary with no.17 Whernside Avenue, however the drawings ref. PLANS and ELEVATIONS dated 19 January 2023 indicate that a 1.8metre fence will be constructed from the patio's deck on both sides to prevent significant overlooking and loss of privacy implications for the neighbouring properties' rear gardens. This is deemed acceptable with the host property's rear patio overlooking their remaining rear garden and high vegetation screening along the rear boundary.

The property benefits from a large rear garden area and whilst the rearward projection of the ground floor rear extension is longer than referred to in DC1 with an overall maximum length of 4metres, it is below that which could be implemented as a maximum length under the larger homes extension regulations. It is considered that the scheme 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 proposed fenestration elements are in keeping with the existing fenestration in the property in terms of visual amenity and appear to be acceptable to the character of the property. The

new fenestration elements are situated along the rear elevation overlooking the rear garden. It is considered there is sufficient distance to the rear boundary that no additional overlooking or loss of privacy implications would occur for neighbouring properties.

Therefore, it is considered that the proposal is acceptable in design terms and would not have any adverse impact on the character of the property or surrounding area, and would maintain existing privacy levels of neighbouring properties. Therefore the extension complies with saved UDP Policy DC1 and Core Strategy Policies DM1 and SP1.

Design and Appearance

It is not considered that the proposed development would unduly harm the character of the building or the general area. The roof profile constitutes a dual pitched roof and the extension's footprint and raised patio area are not considered to create a bulky or disproportionate scale addition to the property. The materials of the rear extension will match the existing as stated within the approved drawings document pack. Although it is recommended a materials condition is attached to ensure that the materials are adhered to, pursuant with the requirements of Core Strategy DM1, EN1 and SP1 and saved UDP Policy DC1.

Waste Management

The proposed development would not effect the existing bin management strategy.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, allowing occupiers to adapt their homes to meet their residential needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise.

For the reasons above, the proposal is unlikely to have any detrimental impact and therefore accords with saved UDP policy DC1 and policies SP1 and DM1 of the Core Strategy.

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 permission.

Reason- Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents: Local plan and drawings numbers:

Drawing- Location Plan

Stamped as received by the City Council as Local Planning Authority on 06 January 2023

Drawing Plans and Elevations

All stamped as received by the City Council as Local Planning Authority on 19 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 Manchester Core Strategy (2012).

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

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.

Appendix 1 – List of consultees & neighbours notified

36 Carill Avenue, Manchester, M40 9PX
18 Whernside Avenue, Manchester, M40 9PW
19 Whernside Avenue, Manchester, M40 9PN
13 Whernside Avenue, Manchester, M40 9PN
34 Carill Avenue, Manchester, M40 9PX
16 Whernside Avenue, Manchester, M40 9PW
17 Whernside Avenue, Manchester, M40 9PN

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA