

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136036/FH/2023
Date registered valid: 23 January 2023
Proposal: Erection of single storey rear extension to form additional living accommodation
Address: 17 Burdett Way, Manchester, M12 4WP
Ward(s): Ardwick Ward

Applicant: Mr H Musa
Agent (if any): Mr Talha Siddiqui
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 16 March 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 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

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

17 Burdett Way is a 2 storey, pitched roof, end-of-terrace dwellinghouse within a predominantly residential area of the Ardwick ward of Manchester. The application site is at the junction of the Burdett Way, Chipstead Avenue and Ipswich Walk highways, with its gable elevation, and existing extension to the back of pavement. The application property benefits from amenity space to the front and rear, existing single storey, flat roof rear extension - (approximately 2000mm deep), which appears to be an original character feature of most the properties within the neighbourhood. The existing boundary treatment comprises of a combined brick wall and wrought iron metal railings, with gated access for the rear driveway.

PLANNING HISTORY

135052/FH/2022 - Erection of a single storey rear extension to form additional living accommodation, Withdrawn Approved 28/11/22

Description of development

The submitted proposal relates to a single storey rear extension to form additional living accommodation.

The submitted plan appears to be a scaled down version of withdrawn planning application, (ref: 135052/FH/2022).

The proposed single storey rear extension, approximately (length 4000mm x width 2797mm x maximum height 3654mm), would follow the pre-existing building line to the back of pavement along the gable elevation, projecting approximately 4000mm along this elevation, and come forward of the common shared boundary with no.15 Burdett Way approximately 2797mm wide, then return forward of the rear building line of the main house. The proposed extension would incorporate a pitched roof design with 2no. windows and a door along the side elevation, facing the common shared boundary with no.15 Burdett Way. In terms of external facing materials, it is intended to use matching materials.

Consultations & Notification Responses

1. Local residents

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

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:

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ('the Core Strategy') was adopted by the City 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:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. The following saved policies are still considered of relevance.

- o Policy DC1 - Residential Extensions.

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 paragraphs are 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.

ISSUES

Principle of development

The principle of the proposal is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (single storey rear extension to form additional living accommodation) -

In light of the fact that this proposal is a re-submission of withdrawn planning application, (ref: 135052/FH/2022), and given the pre-existing contextual relationship along rear elevation and side boundaries, combined with the pre-existing single storey flat roof extension, (approximately 2000mm deep), it is the variance depth at approximately 2000mm of which planning permission is sought. In addition, the existing refuse management arrangements would be unaffected, and on-site car parking would be maintained. Therefore, for these reasons and on balance, and subject to planning conditions, the proposed extension is considered to be acceptable in terms of its impact on residential and visual amenity as there are no overbearing, overshadowing or loss of privacy impacts.

Impact of works (Design and appearance) - It is not considered that the proposed development would unduly harm the character of the building or the general area, and it is also intended to use materials matching the existing house. However, a materials condition has been attached to ensure that the materials are adhered to.

Impact of works (Car Parking) - On-site car parking would still be maintained.

Impact of works (Waste Management) - The existing arrangement would be unaffected.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (July 2021); policies SP1, DM1, EN1, T2 and EN19 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

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

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. In this instance, the local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

- o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 23 January 2023.
- o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 23 January 2023.
- o Existing Floor Plan and Elevations, received by the City Council as the Local Planning Authority on 23 January 2023.
- o Proposed Floor Plan and Elevations, received by the City Council as the Local Planning Authority on 23 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 used to construct the external elevations of the development hereby approved shall match the existing dwellinghouse, in terms of colour, type, scale and method of coursing and pointing and as stated on the submitted information and approved drawings.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved 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 development hereby approved other than those shown on: Proposed Floor Plan and Elevations, received by the City Council as the Local Planning Authority on 23 January 2023.

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

5) Before first occupation of the development thereby approved, the proposed window along the side elevation to serve the annotated "toilet", and as shown on: Proposed Floor Plan and Elevations, received by the City Council as the Local Planning Authority on 23 January 2023, shall be opaquely 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 - In the interests of privacy, pursuant to policy to saved policies DC1 of the Unitary Development Plan for the City of Manchester and SP1 and DM1 of the Core Strategy for the City of Manchester.

6) 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 HMO's 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 provision of accommodation that is suitable for people living as families pursuant to policy 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 Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

40 Martindale Crescent, Manchester, M12 4WQ
15 Chipstead Avenue, Manchester, M12 4US
12 Burdett Way, Manchester, M12 4WP
13 Chipstead Avenue, Manchester, M12 4UR
11 Chipstead Avenue, Manchester, M12 4UR
9 Chipstead Avenue, Manchester, M12 4UR
7 Chipstead Avenue, Manchester, M12 4UR
5 Chipstead Avenue, Manchester, M12 4UR
3 Chipstead Avenue, Manchester, M12 4UR
1 Chipstead Avenue, Manchester, M12 4UR
42 Martindale Crescent, Manchester, M12 4WQ
15 Burdett Way, Manchester, M12 4WP

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