

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136183/FH/2023
Date registered valid: 7 February 2023
Proposal: Erection of a single storey side extension to form additional living accommodation
Address: 45 Lavister Avenue, Manchester, M19 1RT
Ward(s): Didsbury East Ward

Applicant: Mr Zaiem Bakker
Agent (if any): Mr Mark Harrison
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 03 April 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 08 March 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 2 March 2023 Expired: 23 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

The application relates to a two-storey semi-detached C3 dwellinghouse of brown brick with a brown concrete tile dual pitch roof. The property features white uPVC windows, a narrow front driveway and grassed front garden, a small front porch clad in white render, a lean-to car port / shelter, single-storey rear extension, modest rear garden and small outbuilding.



Figure 1. Principal elevation of No.45 Lavister Avenue.



Figure 2. Front view of the proposed site of development.



Figure 3. Rear view of the proposed site of development.

Description of area

Lavister Avenue is a residential street situated within the Didsbury East ward of Manchester, close to Kingsway (A34), Burnage Nature Wood Fields and Heaton Mersey Common. The area predominantly consists of semi-detached and terraced residential properties and benefits from its close proximity to outdoor green space and shopping facilities.

Description of development

The applicant is seeking permission for the erection of a single storey side extension to provide additional living accommodation.

Planning History

020116 - Residential development and laying out of car park after demolition of existing buildings – **APPROVED** (07.12.1983)

023734 - Erection of 12 two-bedroom bungalows – **APPROVED** (22.03.1985)

020245 - Residential development comprising a total of 145 houses, 4 bungalows and 29 flats, and the laying out of a car park after demolition of existing buildings – **APPROVED** (07.12.1983)

024056 - Erection of 28 dwellinghouses – **APPROVED** (30.04.1985)

093791/FH/2010/S2 - Erection of single storey rear extension to form additional living accommodation – **APPROVED** (09.09.2010)

118044/FH/2017 - Erection of a two-storey side and rear extension to form additional living accommodation – **WITHDRAWN** (18.01.2018)

Consultations & Notification Responses

One letter of objection was received. Their concerns are summarised as follows:

- The applicant failed to notify the objector of the proposal with adequate notice.
- Plans do not include annotated dimensions
- Concerns relating to the proposal's conformity with building regulations.
- The side extension would exceed 50% of the width of the host dwellinghouse.
- The proposal should include a greater setback from the front of the property and a larger gap to the shared boundary.
- Concerns relating to the proposal's infringement onto the boundary line.
- Lack of a Party Wall agreement.
- The side extension would result in loss of light and overshadowing for neighbouring residents.
- Refuse bins would be stored at the front of the property, which would be unsightly and unhygienic. A gap should be left adjacent to the shared boundary to allow bins to be stored at the rear.
- Implementation of the proposal would result in one parking space being lost.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Principle – the principle of erecting a single storey side extension in order to provide additional, more easily accessible living space for a family dwellinghouse is acceptable given that many individuals prefer to extend or alter their homes to meet changing household needs rather than move. However, consideration must be given to the proposal’s siting, scale and massing, appearance and visual amenity, residential amenity and impact upon waste storage and parking.

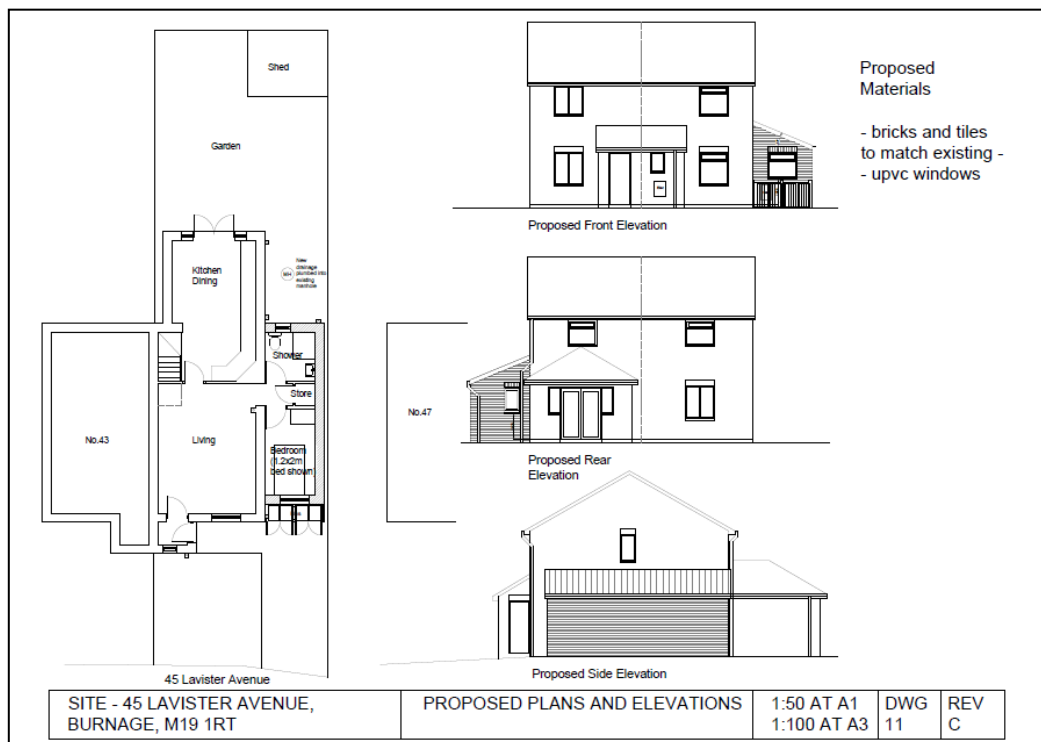


Figure 4. Revised proposed plans, as submitted by the applicant’s agent.

Siting, scale and massing – the single storey extension would be sited at the southwestern edge of the property, replacing the existing car port / shelter present. It would project 2.35m sideways with a length / depth of 7.2m, mono pitch roof height of 3.49m and an eaves height of 2.33m. It would be sited 0.15m away from the boundary shared with No.47, within the footprint of the existing car port.

A local resident raised concerns relating to the scale and massing of the proposal, indicating that the lack of a setback to the front, combined with the proposed width (which would exceed 50% of the width of the host dwellinghouse) would result in an excessive addition to the property.

The Council acknowledges the concerns of this resident, however, the proposed extension would not project beyond the original front and rear elevations of the property and would be single storey. Given this and the siting, scale and massing of the proposal is considered to be acceptable as it accords with policy DC1 of the UDP and would not result in an ‘excessively large or bulky’ addition to the property.

Appearance and visual amenity – the extension would be built of materials that would be in-keeping with those already present at the property including brickwork, concrete roof tiles and white uPVC windows to match. The side elevation of the proposal would be blank, whilst the front and rear elevations would each feature one window.

The proposal is relatively standard in terms of its design and scale for residential extensions in this locality (noting similar extensions present at No.49 and No.42) and, though sited at the side of the property, the materials used would match those already present, meaning the development would not feature prominently within the street scene. Hence, the overall character of the property and its surrounding area should not be significantly harmed by these works.

The proposed development therefore accords with Core Strategy policies SP1 and DM1 as its impact upon visual amenity is considered to be minor.

Residential amenity – A local resident raised concerns relating to the proposal’s potential to cause issues associated with overshadowing and loss of light.

However, given that the extension would be single-storey and located at the property’s southwestern edge, it is believed that the proposal should not cause an undue loss of light for neighbouring residents as properties located to the north and south would be unaffected by overshadowing. Moreover, its blank side elevation should ensure that the privacy of neighbouring residents is not compromised.

Waste storage – implementation of the proposal would result in external access to the rear being lost, meaning refuse bins would have to be stored at the front of the property.

A local resident raised concerns relating to this, indicating that this would be an unsightly and unhygienic addition to the street scene.

In order to mitigate the proposal’s potential negative impact upon the visual amenity of the property and its surrounding area, details of a bin store have been provided. This would screen the property’s bins from view, thus protecting the appearance of the street scene.

The proposal therefore accords with policies EN19 and DM1 of the Core Strategy.

Parking – a local resident indicated that one car parking space would be lost as a result of the proposal being implemented. The property would retain its paved front driveway, thus maintaining a parking space this is considered acceptable.

Other – in their objection letter, a local resident also raised concerns relating to the applicant failing to notify them of the proposed works with sufficient notice. This is a civil matter that cannot be assessed by the Council's planning department.

Concerns were also raised relating to the proposal's conformity with building regulations. This is not a material consideration that can be assessed by the planning department and requirement to meet building regulations is dealt with via separate legislation.

Further concerns relating to the lack of a Party Wall agreement and infringement upon the plot's boundary are also not material considerations that can be assessed by the planning department and would be a civil legal matter between the parties. It is noted that the submitted drawings indicate that the side extension would be set within the application site.

Conclusion – Given the above issues, it is considered that the proposal is acceptable in terms of its principle, siting, scale and massing, appearance and impact upon visual amenity, residential amenity, waste storage and parking as it broadly complies with policy DC1 of the UDP, policies DM1, SP1, EN1 and EN19 of the Core Strategy and chapter 12 of the NPPF.

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. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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 drawings labelled:

- 'PROPOSED PLANS AND ELEVATIONS DWG 11 REV C', stamped as received by the City Council as Local Planning Authority on the 17th March 2023.

Reason - To ensure 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 surfaces of the extension hereby submitted shall match those of the existing dwellinghouse in type, size, colour and texture.

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) The proposed bin store, shown on revised drawing 'PROPOSED PLANS AND ELEVATIONS DWG 11 REV C', shall be implemented and be in place prior to the first use/occupation of the extension(s) 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

43 Lavister Avenue, Manchester, M19 1RT
45 Uppermill Drive, Manchester, M19 1RU
46 Lavister Avenue, Manchester, M19 1RT
47 Lavister Avenue, Manchester, M19 1RT
48 Lavister Avenue, Manchester, M19 1RT

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA