

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134055/FH/2022

Date registered valid: 15 June 2022

Proposal: Erection of single storey rear extension to form additional living accommodation

Address: 25 Tannery Way, Manchester, M18 8LH

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Candlin

Agent (if any): Mr Steven Mellor, William McCall

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

Recommendation: Approve

Date of recommendation: 7 February 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 July 2022

Standard consultations:

Printed: 20 June 2022 Expired: 11 July 2022

Neighbour notifications

Printed: 20 June 2022 Expired: 11 July 2022

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 detached, brick built, modern dwellinghouse within a cul-de-sac of properties of similar type. The site lies within the Gorton and Abbey Hey ward and can be accessed from Tan Yard Brow, and on the border of the Gore Brook Conservation Area. There is open space and woodland behind the rear boundary of the application site. The application property benefits from amenity space to the front, side, and rear, with boundary treatment approximately 1.8 metres height to the rear garden area. There is an existing single storey conservatory, at the rear, which runs along approximately half of the rear elevation of the property - (approximately 3426mm wide x 3419mm deep), whilst retaining a separation distance of approximately 917mm from the common boundary with no. 27 Tannery Way, and approximately 6495mm from no.18 Clark Avenue. It is proposed to demolish this structure and to erect a new single storey rear extension, which would extend along the whole of the rear elevation of the house.

Description of development

The proposed single storey rear extension would measure approximately 3389mm depth x 7560mm width x 3596mm height and would incorporate a lean-to pitched roof design with 3no. windows along the roof elevation, bi-fold doors along the rear elevation, and 1no. window along

the side elevation adjacent the common boundary with no.18 Clark Avenue. The extension would be constructed in brickwork to match the existing.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following comments, objections or representations were received:

Comment

Please can I propose that consideration is given to a re-design of the side elevation so that the extension roof initially slopes away/upwards from the direction of our boundary before reaching the height beneath the upstairs windows. This may reduce the impact of some loss of light and the visual impact of the side elevation brick wall to the area of our garden immediately adjacent. We have a fantastic relationship with our neighbours (the applicant) and this planning comment reflects an informal discussion recently held.

2. Environmental Health

Environmental Health officers commented as follows:

a) GAS01 New applications for extensions

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

b) 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.

Following an update of the above environmental health officer's comments to the agent, the agent subsequently advised they did not wish for a pre-commencement condition to be attached to any recommendation for planning approval, (dated 08/08/22) and would rather prefer to

submit information regarding gas protection membrane details for further assessment as part of the planning application. Upon consideration of the initially submitted gas protection membrane details, environmental health officers' advised that whilst the proposed membrane is fine, a cross section diagram of the proposed installation was required. The agents were therefore update regarding the requirement for further details by environmental health officers.

Additional details were subsequently submitted by the agent - revised plans, (05/22/64, rev A). This was further assessed by environmental health officers and found to be sufficient enough not to warrant the requirement for a pre-commencement condition.

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.

- 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.

- o Saved Policy DC1 (Residential Extensions) is considered relevant.

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. It is considered that these design principles have been satisfactorily incorporated into the development.

ii. ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

ISSUES

In this instance, following an update of environmental health officer's comments to the agent, the agent subsequently advised they did not wish for a pre-commencement condition to be attached to any recommendation for planning approval, (dated 08/08/22) and would rather prefer to submit information regarding gas protection membrane details for further assessment as part of the planning application.

Principle

The principle of the proposal to create additional living accommodation 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) - In light of the pre-existing context with open space and woodland behind the rear boundary of the application site, including a separation distance of approximately 917mm from the common boundary with no. 27 Tannery Way, and approximately 6495mm from no.18 Clark Avenue, and due to the fact that the extension is single storey only and only slightly above permitted development limits, in that the proposed rearward projection would be approximately a 0.4 metres variance of permitted development, notwithstanding this factor, the proposed rearward projection at approximately 3389mm would be in line with the guidance set out in policy DC1 for rearward extensions. Moreover, the proposed siting of the extension along common boundary with no.27 Tannery Way would not change from the existing conservatory - the separation distance is maintained. In addition, the proposed roof lean-to pitch roof is considered to mitigate any significant adverse impact from massing and is not much higher than the structure it would replace, and it would also introduce a blank gable along this boundary, rather than the glazed elevation that currently exists. Given its scale it is not therefore considered that this extension would have an adverse visual impact upon neighbouring occupiers, subject to planning conditions. It is recommended that conditions should be attached restricting any further windows/door openings, including the proposed window along the side elevation adjacent the common boundary with no.18 Clark Avenue to require obscure glazing to safeguard residential amenity.

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. It is also

intended to use materials matching the existing house, although a materials condition has been attached to ensure that the materials are adhered to.

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

Impact of works (Car parking) - The existing arrangement would be unaffected.

Neighbour comment - In terms of planning comments raised, these have been duly considered in the issues section above, although they would not warrant the refusal of planning permission.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is not considered that the proposal would be unduly overbearing, nor would it present privacy and overlooking concerns which would adversely impact upon residential or visual amenity, and therefore, 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 this instance, following an update of the above environmental health officer's comments to the agent, the agent subsequently advised they did not wish for a pre-commencement condition to be attached to any recommendation for planning approval, (dated 08/08/22) and would rather prefer to submit information regarding gas protection membrane details for further assessment as part of the planning application. Subsequent negotiations to place in this regard, and additional details were submitted by the agent - revised plans, (05/22/64, rev A). These were further assessed by environmental health officers and found to be sufficient enough not to warrant the requirement for a pre-commencement condition. The local Planning Authority in its decision has had due regard to the National Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. 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, received by the City Council as the Local Planning Authority 15 June 2022.
- o Site and Location Plans, Drwg No:- 05/22/64, received by the City Council as the Local Planning Authority 15 June 2022.
- o Correspondence from agent dated, dated 08/08/22.
- o Existing and Proposed Plans and Elevations, Drwg No:- 05/22/64, Rev A, received by the City Council as the Local Planning Authority 08 August 2022.

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 external facing materials to be used on the development hereby permitted shall match those of the original dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - To ensure that 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 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: 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:

o Existing and Proposed Plans and Elevations, Drwg No:- 05/22/64, Rev A, received by the City Council as the Local Planning Authority 08 August 2022.

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 to serve the "snug area", and as shown on: Existing and Proposed Plans and Elevations, Drwg No:- 05/22/64, Rev A, received by the City Council as the Local Planning Authority 08 August 2022, 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.

7) The development shall be implemented in accordance with the gas membrane details as shown on the approved plan, Drwg No:- 05/22/64, Rev A, received by the City Council as the Local Planning Authority 08 August 2022

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

Informative

1) 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Sustrans

18 Clark Avenue, Manchester, M18 8WZ
27 Tannery Way, Manchester, M18 8LH
23 Tannery Way, Manchester, M18 8LH
16 Clark Avenue, Manchester, M18 8WZ
14 Clark Avenue, Manchester, M18 8WZ

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 -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH