

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135415/FH/2022
Date registered valid:	8 November 2022
Proposal:	Erection of a two storey front and part single, part two storey rear extension together with conversion of existing flat roof to hipped roof to form additional living accommodation
Address:	39 New Forest Road, Manchester, M23 9JT
Ward(s):	Brooklands Ward
Applicant:	Angela Ly
Agent (if any):	Mr Dave Chamberlain, Arkiplan Architectural Ltd
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 February 2023



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 March 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 12 January 2023 Expired: 26 January 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/area

39 New Forest Road is a 2 storey detached dwellinghouse with a modest single storey extension to the rear. There is a garden and parking area to the front of the property and a much larger garden at the rear. The area is residential in nature and the dwellings are laid out in regular intervals and follow a well defined building line.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Erection of a two storey front and part single, part two storey rear extension together with conversion of existing flat roof to hipped roof to form additional living accommodation

Consultations & Notification Responses

Local Residents – One letter of objection has been received, the comments are summarised below:

- This third set shows a considerably longer side elevation, which would further reduce natural light resulting in an even colder and darker house therefore affecting living quality.
- This proposal would detrimentally cause a substantial loss of light to my property all along the entire length of my house, and loss of light and gross overshadowing at the rear of my property. Therefore further leading to increased need for expensive heating and lighting costs to myself.
- The proposal to majorly extend, an existing large extension from the front and the rear of the house would dominate/exceed the length of my house, and therefore appears/is

excessive, and increases the extent of the unacceptable overshadowing of my family home.

- There are 2 upper and 3 lower windows to the side southeast elevation of the neighbouring house that would significantly suffer loss of light due to overshadowing. It would also reduce the amount of time of any sunlight that can reach the rear of that property, including the lower and upper rooms.
- To the ground floor of that property, the rooms that would be affected by loss of light, do not have windows on the opposite walls, so any natural light loss would have a significant effect on the quality of the living room space.
- Due to the large number of trees at the front of the house and the existing extension at no 39, we get very little light to the house and this proposal would further impede this.

Policies

Core Strategy Development Plan Document – The 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity and landscape.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.

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 carparking.

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 street scene 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 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a) rearward extensions greater than 3.65m (12 ft) 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;
- e) extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.4 states that in considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a) the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b) the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c) the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Issues

Principle of the Proposal – The principle of extending a dwellinghouse to provide additional family accommodation is acceptable and a total of sixteen consents have been granted in the last 10 years for a variety of extensions along New Forest Road. Notwithstanding this, consideration must be given to the proposal's impact on existing levels of visual and residential amenity.

Design – The proposed extensions would complement the existing property and not be out of character with the other dwellings along New Forest Road. They would be constructed from a mix of matching brick and timber cladding and would be topped by a pitched roof of matching tiles. Overall, the design of the proposal is considered acceptable.



Scale and Massing – The scale and massing of the proposed extensions are commensurate with the other properties located along New Forest Road, accordingly the scale and massing is considered acceptable.

Residential Amenity – A number of factors have been assessed in order to judge the impact of the proposal upon residential amenity:

Impact upon Privacy – The applicant is proposing to install an oriel window in the rear elevation. As one panel would be located just over 2 metres away from the neighbouring boundary it is considered prudent to attach a condition requiring this window to be fitted and maintained with obscure glazing. This would ensure that there is no loss of privacy.

There is a roof light proposed in the side elevation but as it is high level it should not give rise to a loss of privacy.

Noise – Due to the nature of the proposal and the domestic nature of the activity that would be associated with it, it is not considered that the proposal would be an inherently noise generating development.

Daylight/Overshadowing – Given the proximity of the dwellings along New Forest Road to each other and the fact the road runs in a roughly north/south axis there already exists a certain amount of overshadowing as can be seen below. As the proposed extensions would be topped by a hipped roof and the corner of the rear extension has been amended so it is set back further from the common boundary, it is not considered that the proposal would lead to the excessive overshadowing of no. 41 New Forest Road or lead to a dramatic reduction in the levels of daylight reaching that property.



In light of the above, it is not considered that the proposed extension would have an unduly detrimental impact upon the levels of residential amenity enjoyed by the occupants of the adjoining dwellings.

Visual Amenity – Given the design and siting of the proposal, it is not considered that it would have an unduly detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the property.

Pedestrian and Highway Safety – The proposal will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Car Parking – Sufficient off-street car parking would remain for the occupants of the property.

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 resolve any matters arising in relation to dealing with the planning 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 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 stamped as received on 12 January 2023:

a) Drawing nos. 22-1392 D01 rev 2, D04 rev 2 to D09 rev 2 and D010 rev 1.

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.

3) Above-ground construction works shall not commence until samples and specifications of all materials, to be used in the external elevations have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) Before first occupation, the side panel in the first floor oriel window shall be obscurely 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 Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

247 Brooklands Road, Manchester, M23 9HF
251 Brooklands Road, Brooklands, Manchester, M23 9HF
249 Brooklands Road, Brooklands, Manchester, M23 9HF
247 Brooklands Road, Brooklands, Manchester, M23 9HF
34 New Forest Road, Manchester, M23 9JU
41 New Forest Road, Manchester, M23 9JT
37 New Forest Road, Manchester, M23 9JT

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