

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135404/FH/2022

Date registered valid: 7 November 2022

Proposal: Retention of a part single, part two-storey side extension, single-storey rear extension and a front porch

Address: 93 Victoria Road, Manchester, M14 6BP

Ward(s): Old Moat Ward

Applicant: Qais Hamed

Agent (if any): Mr Saghir Hussain Create It Studio Architects

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28 February 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 December 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 November 2022

Expired: 7 December 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



Photographs 1 and 2: Front Elevation as viewed from Victoria Road and Rear Elevation

This application relates to a two-storey interwar style semi-detached dwellinghouse. The property benefits from a large rear garden and a front garden that is able to provide off road car parking.

At the time of the site visit the case officer observed that the property was being extended and that on first appearance most of the external work had been completed.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential, with properties facing the site on the northern side of Victoria Road, although Withington Girls School is to the northeast of the property, and there are some commercial properties a short walk away to the south on nearby Mauldeth Road West. The adjoining property at No.95 has not been extended, maintaining the original single-storey outrigger, which still existed at the application site prior to the extension being undertaken.

The adjacent property at No.91 has replaced the original single-storey outrigger with a single storey extension across the full width of the property, and in partnership with its adjoining pair at No.89; the extension projects further rearward than the original single-storey outrigger, and records show this work was completed in April 2022, although no planning permission has been granted. The rear garden adjoins the rear garden of a house on Brentbridge Road, itself having had a small rearward single-storey extension.

Description of development

The applicant is seeking planning permission to retain a part single, part two-storey side extension, single-storey rear extension and a front porch.

Planning History

There has been one previous planning application at this address. A summary is provided below;

Application Reference: 131965/FH/2021

Description of development: Erection of a part single part two storey side extension and part single, part two storey rear extension to provide additional living accommodation and erection of a front porch

Decision: Approved on the 15 May 2022

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local Residents – Representations were received from 5 respondents to the notification letter a summary of their comments are as follows:

Customer made comments neither objecting to or supporting the Planning Application was received from 1 respondent;

- The development that is being applied for is already built and that the bricks and roofing vary in colour and are not in keeping with the rest of the house.

Objections to the Planning Application were submitted by 4 respondents;

- All objectors raised concerns that the builders have carried on constructing the extension even though the recent set of drawings have not been approved, this should not have been allowed to happen.
 - On this matter one representation have questioned why the applicant has been allowed to re-submit plans.

- Extension at the rear projects more than 3 metres despite the respondent being told that they could not go further than 3 metres due to the existence of a flood plain at the rear of their garden.
- Another objector raised that the extension at the rear is at least a further 2 metres than any other extension at the rear.
- Windows at the side are bigger than what is shown on the plans and the porch is of a different design to the one that's being built;
- A couple of representation have raised that the site has been overdevelopment and are concerned that the extension would creating a terracing effect. As the access to the side limited for the movement of bins and garden maintenance;
- The first floor side extension would have an impact in terms of access to light and the three side windows would be an invasion of privacy. One representation explained that they have found that the window is completely unnecessary and there are no benefits to it.
- One representation raised concerns with the footings and how structurally sound the extension is.

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

The relevant **UDP** policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
And,

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The Principle – Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the

guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The current application is very similar development as a previous application at this address for a part single part two storey side extension and part single, part two storey rear extension to provide additional living accommodation and erection of a front porch under planning reference: 131965/FH/2021 (see image 1).



Image 1 Elevational Drawings approved under 131965/FH/2021

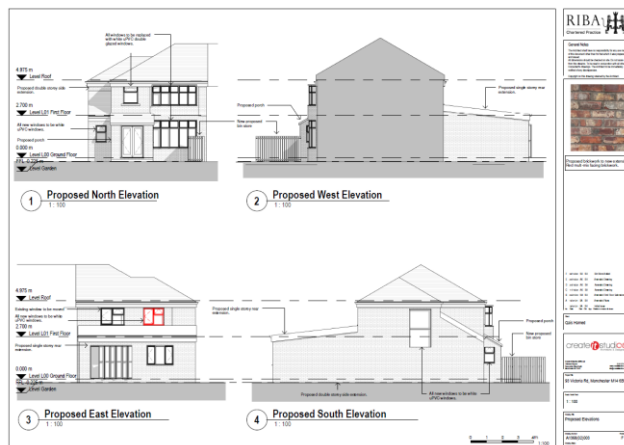


Image 2 Current Proposed Elevations

A more detailed comparison will be discussed below however both images 1 and 2 show the differences but also the similarities between both applications.

Therefore, the principle has been established by the previous approval, should the application be refused, the applicant could revert to the approved planning permission. The applicant is now seeking planning permission to retain those changes made to the previous proposal and further consideration will be given as to whether the changes have any impact on surrounding visual amenity, in particular the effect upon the amenity of neighbouring occupiers.

Residential and Visual Amenity – Image 3 provides a visual overview of the changes; the red areas have been omitted from the proposal and that the blue areas have been altered. This reflects what was observed when the planning officer visited the property (photographs 1 and 2).

Planning permission is sought to erect a part single, part two storey side extension projecting 1.49 metres from the side of the original property, an increase of 9 centimetres on the previous approval. The first floor is set back further at 2.7 metres instead of 2 metres as previously approved. The single storey side element has a mono pitch roof albeit steeper than the previous approval and the first-floor side is maintained as a hipped roof.

Saved policy DC1.4 of the UDP specifically seeks to resist proposal that result in the actual or potential for terracing. On balance it is considered that the proposed development would not, harm the street scene because of terracing due the design of the proposal, which includes a lower roof height, the setback from the front elevation.

At the rear of the property a single storey extension across the full width of the property has been constructed and together with the side extension projects 5.45 metres into the rear garden; this being a slightly smaller rearward projection to that previously approved at around 5.51m. At first floor level the rear extension has been removed from the proposal and the ground floor rear extension now has a mono pitched roof, whereas previously that part of the

single-storey extension closest to the boundary with No.95 was to have a flat roof with a small roof light protruding minimally above the roofline.

The front elevation has a single window at ground floor level and no window at first floor level. The rear elevation would have bifold doors and a window at ground floor level.

The side windows at first floor have been removed and a three quarters height window to the stairs is now shown as a wider two panel window.

The proposal includes a front porch that projects 1.1 metres from the front of the property and is 2.64 metres wide. The maximum height is 3.15 metres with a mono pitched roof reducing to 2.4 at the eaves.



Image 3 Changes to the previous approved elevations (red = removed, blue = alteration)

In terms of privacy and overlooking the principal windows are situated in the front and rear elevations overlooking either the street, in which case the impact is no greater than from the existing windows in the property, or the rear elevation where their windows face down the rear garden. The applicant has removed two side windows and reduced the height of the staircase window, albeit it has increased in width. As with the previous application a condition is recommended to ensure that the window on the side remains obscurely glazed.

Concerns raised that the proposal represents an overdevelopment of the site that would be overbearing on the neighbouring properties, the previous application was acceptable in that whilst the presence of the extension would be noticeable it would not have an unacceptable impact. The changes being considered as part of this application have reduced the size and scale of the extension especially at the rear of the property thus reducing its impact.

Taking into consideration the position, design and scale of the proposed hip to gable roof extension together and its relationship with neighbouring properties, it is not considered that there would be any significant impact in terms of over-dominance, overshadowing or overlooking.

The extension has been designed to complement the existing dwellinghouse with materials shown to be similar brickwork and tiles. There are no concerns with the design or appearance of the extension.

Therefore, the proposal in terms of siting, scale and massing accords with policies with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

Flood Risk – The application site is located within Flood Zone 2, due to close proximity to the Platt Brook with the risk of fluvial flooding. A Flood Risk Assessment was submitted during the previous application and agreed with the Flood Risk Management Team, now that development has commenced it is recommended that a condition be attached that require details to be submitted to ensure that the development has been carried out in accordance with the Flood Risk Assessment.

Some of the representations have raised that the flood zone has meant that they have had to reduce or curtail their extension. Each case is assessed on their own individual merits in this case the Flood Risk Management Team were satisfied with the flood risk assessment and the mitigation measurements that were specified within the report.

Car Parking and Refuse Storage – With a reduce gap along the length of the side of the extension, this due to the slightly increased width, access is still possible, but concerns were raised with the applicant regarding the reduction and the lack of space available for bin storage. The scheme has been amended to include a timber bin store to reduce the visual impact albeit at the front of the property.

The property would still allow a vehicle to be stored off road.

Conclusion - The extension is considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

Other Matters – Representations have been submitted raising concerns that the works have been allowed to continue, it should be clarified that the applicant has done so at their own risk. If the application is refused, then it would open the possibility of enforcement action being taken; in considering whether formal action is appropriate, regard must be had to the fallback position, in that planning permission has been granted for a development that overall is larger than that to which this application relates.

Any concerns over how the extension has been constructed is one that must be addressed under the Building Regulations; those inspections appropriate to a development of this type have been undertaken at the appropriate times.

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

The Local Planning Authority have worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved has been considered following assessment of the drawings and documents listed below:

A1368(02)001 REV E - Proposed Site Plan Received 20 February 2023

A1368(02)002 REV F - Proposed Floor Plans Received 20 February 2023

A1368(02)003 REV F - Proposed Elevations Received 20 February 2023

Flood Risk Assessment including appendix A, Appendix B, Appendix C and Appendix D by UK Flood Risk, reference QFRA2076 version 1.1 dated 28 February 2022 received 20 February 2023

Reason - To ensure that the development has been carried out in accordance with the aims of the development plan; pursuant to policies SP1 and DM1 of the Core Strategy.

2) Within 3 months of the date of this decision, the windows in the side elevation shall be obscure 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 Core Strategy.

3) (a) Within 3 months of the date of this decision, a scheme for mitigating the development from flood risk shall be submitted to the local planning authority in writing for its written approval. The scheme shall:

(i) provide details of flood risk mitigation already installed in the development,
(ii) demonstrate whether and, if so, how the following flood resilient measures have been installed and/or implemented:

- o Water, electricity and gas meters are located above predicted flood level.
- o Non-return valves have been used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- o All service entries have been sealed (e.g. with expanding foam or similar closed cell material).
- o Closed cell insulation has been used for pipes which are below the predicted flood level.
- o Boiler units and ancillary devices have been installed above predicted flood level or preferably on the first floor of two-storey properties.
- o Wiring for telephone, TV, Internet and other services has been protected by suitable insulation to minimise damage.
- o Building materials that are effective for a 'water exclusion strategy' have been used which include: engineering bricks, cement-based materials including water retaining concrete and dense stone.
- o A copy of the site-specific Flood Emergency Plan

(iii) where the flood mitigation already carried out does not achieve all of the flood resilient measures stated above, the scheme must provide details of other measures to be taken and shall demonstrate that these would achieve compliance with the criteria specified above. The scheme must also specify a timetable ("the approved timetable") for the carrying out of such further measures.

(b) Within 4 weeks of the end of the approved timetable, a further report ("the verification report") shall be submitted to the local planning authority for approval. The verification report must accord with the details approved by the local planning authority and must demonstrate:

(i) That the further flood resilient works or other measures have been installed or taken, that they achieve the criteria set out above, and

(ii) If the verification report does not demonstrate that the criteria specified above can be met, the report shall include details of the further works or measures to be taken ("the remedial works") to achieve compliance with the criteria specified above, together with a timetable ("the remedial works approved timetable") for their carrying out. The remedial works shall be carried out in accordance with the remedial works approved timetable and the requirements of part (b) of this condition shall apply to the remedial works and any subsequent requirement for further remedial works.

(c) The flood mitigation measures and any other measures forming part of the approved scheme or schemes and any verification report shall be retained in situ for as long as the development hereby permitted remains in place.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This policy is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

4) Within 3 months of the date of this decision the bin store as shown on drawings A1368(02)001 REV E - Proposed Site Plan Received 20 February 2023, A1368(02)002 REV F - Proposed Floor Plans Received 20 February 2023 and A1368(02)003 REV F - Proposed Elevations Received 20 February 2023 shall be erected, installed and used to house the bins; this shall be maintained and remain in situ for the life of the approved development.

Reason - In the interests of public health and residential amenity, pursuant to Policy H2.2 of the Unitary Development plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

61 Finchley Road, Manchester, M14 6EN
36 Victoria Road, Old Moat, Manchester, M14 6BQ
95 Victoria Road, Old Moat, Manchester, M14 6BP
91 Victoria Road, Old Moat, Manchester, M14 6BP
38 Victoria Road, Old Moat, Manchester, M14 6BQ
64 Brentbridge Road, Manchester, M14 6AT
62 Brentbridge Road, Manchester, M14 6AT
60 Brentbridge Road, Manchester, M14 6AT

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA