

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135250/FH/2022

Date registered valid: 21 October 2022

Proposal: Erection of two storey side extension and part single storey, part two storey rear following demolition of garage to provide additional living accommodation

Address: 23 Patterson Avenue, Manchester, M21 9NB

Ward(s): Chorlton Ward

Applicant: Ms Katie Niemz

Agent (if any): Mr Paul Lillie, Insight (NW) Ltd

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 30.01.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 November 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 3 November 2022 Expired: 24 November 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

This application relates to a two storey interwar semi detached property situated close to the head of the cul-de-sac within Patterson Avenue. On the front elevation is a two storey hemispherical bay window and there is a canopy above the front entrance. At the rear is an existing single storey outrigger and single storey outbuilding/garage, the property occupies an irregular shaped site with a splayed boundary that increases in size and width closer to the rear boundary.

The house is a short walking distance from Chorlton District Centre, local schools, and moderate walking distance to the Chorlton tram stop. The remaining of the area is residential in nature with houses of similar style and design and some with similar extensions.

Description of development

The application seeks consent for the erection of two storey side extension and part single part two storey rear extension following demolition of garage to provide additional living accommodation. The application has been revised since the original submission in the interest of residential and visual amenity to neighbouring properties with a landscaping pre-commencement condition agreed with the planning agent in order to retain privacy levels of the neighbouring properties.

Consultations & Notification Responses

Local residents were notified and two responses were received. The comments are outlined below:

- Our neighbours have agreed to reflect on the positioning of the woodburning stove, which as currently situated in the lounge in the plans would mean smoke rising under our bedroom window and next to our patio doors.
- On reviewing the plans, the rear extension would mean the removal of at least one tree and possibly two at the boundary; and so in making a decision the application, grateful if consideration can be given to the safe removal of any trees, if required.
- Flooding has occurred within the rear garden of the applicant's curtilage and want to ensure appropriate measures are taken to ensure this doesn't worsen during the building works or it forces excess run-off into neighbouring gardens.

Comments reviewed:

- The applicant has confirmed the removal of the woodburning stove from the proposed revised scheme.
- A pre-commencement condition has been attached to any approval regarding a landscaping strategy plan to help mitigate against the loss of trees and prevent additional residential or visual amenity impacts to neighbouring properties.
- Patterson Avenue is located within Flood Zone 1 and it is not considered that the extensions would lead to significant flooding concerns for the neighbouring properties.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: 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.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

DC1.1 states that the Council will have regard to:

- a) The general character of the property
- b) The effect upon the amenity of neighbouring occupiers
- c) The overall appearance of the proposal in the street scene;
- d) The effect of the loss of any on-site car-parking

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 original buildings);
- b. They do not create 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 scene by virtue of design, use of materials or construction details.

DC1.3 Notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) 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

Policy DC1.4 indicates 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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- 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.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how: -Both construction and demolition waste will be minimised and recycled on site wherever possible; -The sustainable waste management needs of the end user will be met.

Policy DM1 - Requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking have been proposed.

Issues

Principle

The proposed extension is for a two storey side and part single part two storey rear extension to a residential dwelling, this is considered acceptable as many people prefer to extend their home rather than move in order to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on neighbouring's properties' residential amenity.

Residential and Visual Amenity

Part single part two storey rear extension

The proposed rear extension accommodates an open plan lounge area and an additional bedroom along the first floor, and would have approx. dimensions of Height 7.1m x Width 9.4m x Depth 4.1m. The first-floor element would be set in (3.5metres) from the shared boundary with no.25 Patterson Avenue. Given the set-in dimension of the extension it is not considered to form an overbearing feature along the shared boundaries, it should be noted that the neighbouring property would experience built form along the boundary line from the ground floor element, however, given the single storey nature of the extension and the existing high vegetation boundary screening between the two properties it is deemed acceptable in this instance.

Additionally, the neighbours may experience some overshadowing implications during the evening sun, however given the set-in dimension of the first floor element, the existing boundary treatment, the splayed nature of the adjoining properties and extensions of their own it is considered that any additional overshadowing would not be significant to warrant a refusal.

It should be noted that the depth of the extension exceeds the recommended length outlined in the Saved UDP Policy DC1.3 (3.65 metres) however in this instance given the relatively large plot of the application site and the orientation and relationship between the host property and neighbouring dwellings it is not considered that the extensions' depth of 4.1 metres would be significant to warrant a refusal.

Moreover, initial concerns were raised regarding the removal of trees within the rear garden adjacent to neighbouring properties, in order to protect residential and visual amenity of the neighbouring properties and the fact it has been stated as part of the application a landscaping pre-commencement condition has been attached to any approval demonstrating which trees and shrubs are to be retained and which are to be removed, with tree protection zones provided for retained trees and a replacement tree shown for any tree(s) felled.

Fenestration elements are proposed along the rear elevation overlooking the applicant's rear garden. It is considered that no significant overlooking or loss of privacy implications would be present for neighbouring occupiers.

Two storey side extension

The proposed two storey side extension accommodates a utility room and open plan dining room along the ground floor and an additional bedroom and shower room along the first floor. The extension would have approx. dimensions of Height 7.1m x Width 3.5m x Depth 7.4m. The extension would incorporate 4.4metre setback from the principal elevation and a 0.6metre dropdown level from the original roof ridge. The extension at its closest distance would be sited 1 metre from the shared boundary with no. 21 Patterson Avenue. The non-adjointing property to the south is at an angle to the application property with the gap becoming wider towards the rear of the site. Given the orientation of the properties and the splayed boundary of the host curtilage it is not expected to create an overpowering feature. A first floor window is positioned within the side facing elevation however this shall be obscured glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and as such would not give rise to any overlooking or privacy implications. In addition, a condition shall be attached to any approval granted restricting the further insertion of windows or doors beyond those approved by this consent.

The proposed extension would be visible from within the streetscene in Patterson Avenue, but it is considered that as the extension is setback from the front of the main dwelling, the proposed extension would be subservient to the existing house and would have an acceptable appearance. It should also be noted that the approval has been conditioned so that it would be built in materials to match the existing house. For these reasons, it is considered that the proposed extension would not adversely affect visual amenity within the area.

Overall, the proposed extensions are considered to be subservient to the existing property and creates a sympathetic approach to the street character therefore, this proposal does not create any significant impacts in terms of visual or residential amenity within the character of the general area and is considered acceptable against the principles set within saved DC1 and SP1 and DM1 of the Core Strategy.

Height, Scale and Massing

The height of the proposed extension appropriately relates to the height parameters of the existing building. The height of the proposed two storey side and part two storey rear extension have tied in with the existing building. The proposal includes an acceptable set-back dimension of the two storey side and it is considered that the proposed extension responds well to the dimensions, design and siting of the neighbouring properties.

As mentioned above the proposed rear extension exceeds the depth outlined in saved UDP policy DC1.3 (3.65metres) however given the plot size and that the depth of the extension is only an additional 0.6metres over policy guidance it is deemed acceptable in this instance. The proposed roof profile of the two storey elements will incorporate a hipped roof that is commonplace within the local vicinity. Additionally, a flat roof design has been included for the single storey rear element of the extension and will add a contemporary feel to the extension and will be hidden from the streetscene. On this basis, the proposed development has been appropriately related to Core Strategy policies SP1, EN1 and DM1, saved Unitary Development Planning policy DC1 and the National Planning Policy Framework.

On this account, it is considered the development would be consistent with the aspirations of saved UDP Policy DC1 and Core Strategy Policy DM1, proposed developments must provide a positive contribution to neighbourhoods taking into consideration the effects of development upon amenity, living conditions and wellbeing of residents.

Car Parking

The existing on street car parking arrangement would be retained with the proposal not effecting the existing car parking arrangement.

Waste Management

The existing waste management arrangement would be retained with the proposal leaving sufficient space to the rear and side for adequate storage and collection points.

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 agent/applicant in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in the dealing with the 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 date of three years beginning with the date of 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 documents and drawings:

Drawing: Plans and Elevations ref. 16 PAGE DRAWING PACK stamped as received by the City Council as Local Planning Authority on 08 December 2022

Drawing: Location Plan stamped as received by the City Council as Local Planning Authority on 21 October 2022

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

- 3) The materials to be used on the external surfaces of the extension hereby permitted 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) 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 extension hereby approved other than those shown on the approved drawings :

Drawing: Plans and Elevations ref. 16 PAGE DRAWING PACK stamped as received by the City Council as Local Planning Authority on 08 December 2022

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

- 5) The first floor window located on the two storey side elevation along the side elevation shall be obscured glazed to a specification of no less than level 5 of the Pilkington Glass Scale or other such other equivalent and shall remain so in perpetuity.

Reason- To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

- 6) No development shall commence until a landscaping scheme has been submitted to and approved in writing by the City Council as local planning authority, this shall include details of replacement tree planting to be provided, if any existing trees are to be felled. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

25 Patterson Avenue, Manchester, M21 9NB
21 Patterson Avenue, Manchester, M21 9NB
133 Nicolas Road, Manchester, M21 9LS
129 Nicolas Road, Manchester, M21 9LS
18 Patterson Avenue, Manchester, M21 9NB
137 Nicolas Road, Manchester, M21 9LS
28 Hampton Road, Manchester, M21 9LA
131 Nicolas Road, Manchester, M21 9LS
135 Nicolas Road, Manchester, M21 9LS

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
Area Team Boundary - Name: SOUTH AREA