

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130571/FH/2021

Date registered valid: 16 June 2021

Proposal: Erection of single storey extensions to front and rear, together with the creation of a front driveway

Address: 77 Victoria Avenue East, Manchester, M9 6HP

Ward(s): Charlestown Ward

Applicant: Mr R Lewtas, 77 Victoria Avenue East, Manchester, M9 6HP

Agent (if any): Mr G Farmer, 8 Linden Grove, Stockport, SK7 1HT

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23 December 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4th August 2021

Standard consultations:

Printed: 24 June 2021 Expired: 15 July 2021

Neighbour notifications

Printed: 24 June 2021 Expired: 15 July 2021

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

The property that is the subject of this householder application is identified as 77 Victoria Avenue east, it is a modern end of terrace property. It is 2 storeys and constructed in brick. The front garden area has been completely given over to a permeable gravel finish, and provides off road parking. There is currently a cantilevered porch over the front door. The pedestrian and vehicular access is taken off Victoria Avenue East. The rear garden is part laid to lawn with some paving.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential comprising of inter war properties and more modern developments. There is housing to the rear off an internal access road and beyond that the M60 outer ring road. It is on a sustainable local transport network. There is a large Tesco supermarket and library to the east of the site.

Description of development

The proposal was originally for a single storey rear extension together with the erection of a large porch / front extension. However the single storey extension has now been removed from the proposal and as such the front extension is now the only element under consideration. The revised scheme measures 2.812 metres width by 2.362 metres length giving a total of 6.641 square metres. The Permitted Development allowance for a porch is 3 square metres.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Flood Risk Management- no objections subject to the attachment of an informative relating to permeable hardstanding and drainage design.

Environmental Health-no objections subject to the attachment of an informative relating to a Watching Brief.

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call.

Issues

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 - The principle of the single storey front extension is acceptable and in many cases this type of development could be considered permitted development subject to the limitations and conditions set by Part 1, Schedule 2, Class D of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) the relevant part of the legislation when considering the addition of porches to properties.

Class D of the GPDO allows the following:

1. the ground floor area (measured externally) would not exceed three square metres.
2. no part would be more than three metres above ground level (height needs to be measured in the same way as for a house extension).
3. no part of the porch would be within two metres of any boundary of the dwellinghouse and the highway.

The above limitations would be considered the fallback position, the fallback is a material consideration in the decision-making process, of which the Permitted Development (PD) rights given by the Order comprise an element. Thus, when making a decision on a planning application it may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to. 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 and DC1.3 of The Unitary Development Plan

for the City of Manchester 1995 (UDP) relate specifically to residential extensions and whilst not explicit on the addition of porches the policy does 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.

During the site visit it was observed that some of the works had commenced on site which shows the platform area of the porch and steps into the building.

Residential and Visual Amenity - The proposal would have a ground floor area of 6.64 square metres.

As described above these dimensions would exceed those set by the GPDO and therefore require planning permission. There are concerns that if approved the size of the front extension would form an unduly prominent feature in the street scene and would be out of character with the surrounding area particularly given the uniform appearance of the terrace all of which have their front doors facing out onto the street, whereas this proposes the front door on the side on the return wall.

During the application this concern was raised with the applicant who was asked to consider reducing the size of the extension and therefore reduce the visual impact, and this was reduced marginally, however it would still result in a structure that is prominent within the street scene and over twice the permitted development regulations. As such the revisions were insufficient to enable support for the proposal.

It is acknowledged that the property does benefit from PD rights as stated above however, the porch that would be permitted by the GPDO should the application be refused would have significantly less of an impact than the one proposed during this application.

Therefore, the proposal would be contrary to Policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Car Parking and Refuse Storage - The proposal would not impact the existing car parking or refuse storage arrangements.

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: Refuse

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in accordance with policy.

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

1) The single storey front extension would form an unduly prominent feature in the street scene and would be out of character with the surrounding area. As such the proposal is contrary to Policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

Informatives

1) CLAND Watching Brief

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

2) Any resurfacing of front driveway with hardstanding >5m² shall be permeable in line with government guidance and as proposed in the drawing 'Proposed Arrangement - Plans, Elevations' submitted for this application.

The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy. We recommend retrofit of SuDS and consideration of green SuDS components to mitigate any loss of permeable area.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

75 Victoria Avenue East, Manchester, M9 6HP
4 Meadowbrook Close, Manchester, M9 6NS
3 Meadowbrook Close, Manchester, M9 6NS
74 Victoria Avenue East, Manchester, M9 6HB
11 Daneswood Avenue, Manchester, M9 6HQ
5 Daneswood Avenue, Manchester, M9 6HQ
80 Victoria Avenue East, Manchester, M9 6HB
78 Victoria Avenue East, Manchester, M9 6HB
76 Victoria Avenue East, Manchester, M9 6HB
20 Daneswood Avenue, Manchester, M9 6HQ
9 Daneswood Avenue, Manchester, M9 6HQ
7 Daneswood Avenue, Manchester, M9 6HQ
3 Daneswood Avenue, Manchester, M9 6HQ
1 Daneswood Avenue, Manchester, M9 6HQ

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH