

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 135034/FH/2022

**Date registered valid:** 26 September 2022

**Proposal:** Erection of a two storey side extension and attached single storey garage

**Address:** 2 Thornby Walk, Manchester, M23 1FR

**Ward(s):** Baguley Ward

**Applicant:** Mr Albert Hoda, 24 Cobbetts Way, Wilmslow, SK9 6HN

**Agent (if any):** DK Seddon, Howard & Seddon ARIBA, 64 Washway Road, Sale, M33 7RE

**Case officer:** Janine Renshaw-Livesey  
Tel: 0161 234 4555  
Email: [janine.renshaw-livesey@manchester.gov.uk](mailto:janine.renshaw-livesey@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 8 December 2022

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 8 September 2022

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

Printed: 22 November 2022

Expired: 6 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**

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

This Application relates to 2 Thornby Walk, Baguley. It is a two-storey brick and rendered built semi-detached property situated on a corner plot. The property has pedestrian access only and the side garage will be demolished as part of the proposal.

The area is predominately residential in nature. A previous scheme ref 134498/FH/2022 was submitted and was modified as it was considered it had a detrimental impact in relation to overbearing and privacy issues on the neighbouring property. The scheme has now been amended by removing the first floor rear en suite and setting back the first floor rear, set the front elevation of the proposed extension back by 350 mm at first floor level, reducing the ridge height of the extension, reducing the width of the garage to move it away from the neighbouring boundary and removed the creation of a driveway for car parking purposes.

## **Consultations & Notification Responses**

The occupiers of the surrounding properties were consulted, and two objections were received, concerns included, there is no vehicular access to the garage and should vehicular access be created would be dangerous for people using the footpath. One objection suggested the applicant did not own the land as it encroached to the neighbouring property and the proposal was out of character.

Another matter relating to anti-social behaviours was also raised, however, this issue is not a material planning consideration.

In response to the objections raised, the revised scheme omitted modifications to the boundary to create a driveway and car parking provision within the curtilage of the site, accessed across the footpath and it is therefore, anticipated the garage is for storage purposes only, and the current proposal does not include the creation of a driveway. Furthermore, the proposal includes the demolition of an existing garage that is positioned within the dog leg shown on the site edge red, however, the outbuilding lies within the curtilage of the application site. The applicant has confirmed the site edge is in the ownership of the applicant and has demonstrated this within the planning application and the city council accepts the certificates that accompany the application are correct and therefore, considered to be acceptable. The remaining matter of the extension being out of character is discussed within the body of this report.

## **Issues**

The following policies are applicable to this scheme.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework 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 re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
Specific policies in this Framework indicate development should be restricted.

Manchester's Core Strategy:

Policy DM1 states - All development should have regard to:

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on 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 upon 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.

Design for health.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Green infrastructure, including open space, both public and private.

The use of alternatives to peat-based products in landscaping/gardens within development schemes.

Flood risk and drainage.

Existing or proposed hazardous installations.

Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques in terms of Code for Sustainable Homes and BREEAM.

Saved UDP CONTEXT:

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 car parking.

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 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 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 3.65 metres 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 in considering proposals for 2 storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance 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.

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

DC1.6 For the avoidance of doubt, policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Reasons: Many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The Council is not generally in favour of dealing with this issue by laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria.

#### PLANNING ISSUES:

It is considered the proposed development is acceptable in terms of the National Planning Policy Framework (NPPF), the adopted Unitary Development Plan for the City of Manchester, including saved policy DC1, and Manchester's Core Strategy policy DM1.

The proposed extensions whilst increasing the overall accommodation of the property have been designed in a sympathetic manner and would remain subservient to the existing property. It would remain in character with the neighbouring properties with other houses in the immediate vicinity such as 21 Fouracres Road. The 2 storey rear element is set in approximately 3 metres from the boundary with number 13 Fouracres Road and projects 3.4 metres from the existing gable.

Specifically, it is considered that the nature of the proposed extensions allows for the creation of the desired additional bedroom, whilst retaining the original house as the dominant built form. The first-floor extension will be set-back from the front building line, and set well down from the ridge line.

The extensions will not unduly detrimentally affect the amenities of the occupiers of neighbouring residential properties, pursuant to policies DC1 and DM1, due to the design of the extensions, including nature and location of openings, in relation to the location, design and detail of neighbouring properties. The two-storey element of the extension that runs down the side of the neighbouring non-attached property terminates short of the original rear elevation of

the dwelling house and has been modified in line with advice given to reduce the impact of the extension and does not therefore impact on the habitable room windows of the neighbouring property. The extension introduces a first-floor window facing over the garden, a condition requires that this is obscurely glazed. Furthermore, the orientation is such, the garden is south facing therefore, the extension would, not result in excessive shadowing.

The single storey garage due to its height, scale, massing and relationship with the neighbouring properties considered to be acceptable in terms of visual and residential amenity.

The extensions will allow the occupiers of 2 Thornley Walk to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of neighbouring properties, or the character and appearance of the street scene. It is therefore considered acceptable and is in accordance with saved policy DC1 and Core Strategy policy DM1.

### **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 based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the applicant/agent to reach a satisfactory resolution.

### **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:

02 Rev E, stamped as received on the 21 November 2022 and the Location Plan, stamped as received on the 26 September 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 extension hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale.

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) (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 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

5) 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 plans.

Reason - In the interests of residential amenity 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.

6) Before first occupation the first floor window in the north elevation of the two storey side extension proposed 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.

## **Appendix 1 – List of consultees & neighbours notified**

1 Thornby Walk, Manchester, M23 1FR  
13 Fouracres Road, Manchester, M23 1FG  
10 Fouracres Road, Manchester, M23 1FG  
7 Thornby Walk, Manchester, M23 1FR  
5 Thornby Walk, Manchester, M23 1FR  
4 Thornby Walk, Manchester, M23 1FR  
3 Thornby Walk, Manchester, M23 1FR  
8 Fouracres Road, Manchester, M23 1FG  
15 Fouracres Road, Manchester, M23 1FG  
12 Fouracres Road, Manchester, M23 1FG  
11 Fouracres Road, Manchester, M23 1FG

## **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 45M  
Area Team Boundary - Name: SOUTH AREA