

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134928/FH/2022

Date registered valid: 12 September 2022

Proposal: Erection of single storey rear extension to form additional living accommodation

Address: 14 Kirkby Avenue, Manchester, M40 5HN

Ward(s): Moston Ward

Applicant: Mr Franklin Wandji 14 Kirkby Avenue, Manchester, M40 5HN

Agent (if any): Mr Chris Wilkinson CD Wilkinson Plans 5 Highmeadow, Outwood, M26 1YN

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 November 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 29 September 2022

Standard consultations:

Printed: 20 September 2022 Expired: 11 October 2022

Neighbour notifications

Printed: 20 September 2022 Expired: 11 October 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

Description of area

The application site relates to 14 Kirkby Avenue within the north Manchester ward of Moston. The property relates to a two storey, end-terraced, red brick dwellinghouse which sits at the head of the Kirkby Avenue cul-de-sac, sitting on a corner plot. As such, amenity space to the front and side of the property consists of an open, grassed and gravelled area. Access to the rear is available through a timber fence which leads to a small gravelled and paved courtyard. A small existing outrigger is located to the rear of the property spanning approximately half the width of the host property.

Description of development

The submitted application seeks planning permission for the erection of single storey rear extension to form additional living accommodation. The proposal would involve the removal of the existing outrigger and as such the proposal would have approximate dimensions of Height: 2.3 (to the eaves)/ 3.6 (to the highest point) x Length: 4.2 x Width: 4.9 metres. The extension would be located 0.15 metres from the shared boundary with no.16 Kirkby Avenue. The proposal would involve the insertion of a sliding door within the rear elevation and the insertion of four skylights. Materials to be used would match the host property.

Planning history

134365/PDE/2022- Prior notification of proposed larger home extension projecting 4.20m to the rear with a maximum height of 3.66m and a height at eaves of 2.34m.

Turned Away (Legislative)- 16 August 2022.

The current application appears to mirror the recent PDE application turned away in August 2022.

Consultations & Notification Responses

Local residents

Local residents were consulted, and one neighbour responded with the following concerns:

- Potential of having more tenants in the property.
- Potential burden on already limited parking spaces and how the parking arrangements would become more challenging when the construction works are being undertaken.

Environmental Health

Environmental Health were consulted on the application and attached for the following to be attached on any approval granted:

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

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 the 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 a street scene;
- e. 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.
- 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.

DC1.3 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).

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from

an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of development

The submitted development application seeks planning permission for the erection of single storey rear extension to form additional living accommodation. It is considered acceptable in principle as many people prefer to alter and extend homes, rather than move, to meet changing residential needs. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The 4.2 metre rear extension would be sited 0.15 metres from the shared boundary with no.16 Kirkby Avenue. Due to the neighbour's existing outrigger, the extension would extend 4.2 metres from the neighbour's rear elevation and 1.2 metres from the neighbour's existing outrigger. As such, the proposal is not considered to have an overbearing impact for the neighbour due to the neighbour's partially amended rear boundary line. Since no windows are inserted within the neighbour's existing rear outrigger, the proposal would not give rise to any significant overshadowing or loss of light implications, as only the neighbour's rear door would be sited between the two structures. No overlooking or negative privacy implications would occur as a result of the proposal.

Any impact to no.10 or no.12 Kirkby Avenue would be limited. The proposal would extend an additional 2 metres in length beyond the footprint of the existing outrigger. High boundary treatment in the form of a timber fence separates the applicant property with the neighbours and as the proposal is only single storey, it would not create an oppressive feature close to the boundary. Due to the distance between the proposed structure and the rear first floor windows of those neighbouring properties, any overlooking implications into the skylights would be minimal. No loss of light or overshadowing would occur for no.10 and no.12 Kirkby Avenue.

The rear amenity space results in a pinch point with the intersection of the boundaries of no.14, no.10 and no.8 Kirkby Avenue. As such, no overlooking or adverse visual amenity implications would occur from those properties to the rear of the applicants from the sliding doors within the rear elevation. 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.

At the time of the site visit, the existing rear outrigger could be seen from the cul-de-sac of Kirkby Avenue and the proposal would also be seen from the streetscene. However, the extension is not considered to produce a detrimental feature within the streetscene of Kirkby Avenue.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

As this element of the proposal would have a rearward projection of 4.2 metres it would exceed the rearward projection set out within Policy DC1.3 of the UDP, whereby rearward projections should not exceed 3.65 metres. However, since the introduction of the UDP, Permitted Development rights, including the Larger Homes Extension Route, allows larger extensions up to 6-8 metres. As such, the rearward projection proposed is considered a compromise between the two routes for approval and considering the minimal impact to neighbours, the length is considered acceptable.

The proposed extension has been designed sympathetically to relate to the existing property. All the materials would match the existing property and a materials condition to that effect would be attached to any consent granted. Therefore, the proposal has been designed to be in keeping with the character of the existing house.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Neighbour objections

Local residents were consulted, and one neighbour responded with concerns regarding the potential of having more tenants in the property and the potential burden on already limited parking spaces and how the parking arrangements would become more challenging when the construction works (builders, skip) are being undertaken. Whilst the parking of construction workers is not considered to be planning material, the agent was asked to confirm that the house would continue to be used as a single dwellinghouse, to not add to existing car parking pressures. The agent confirmed via email on 6 October 2022 that the property would continue to be used as a single-family dwellinghouse. This is considered acceptable to overcome the neighbour's concerns.

Construction hours

Whilst Environmental Health asked for a construction hours condition to be attached to any approval granted, this is considered onerous considering the proposal and as such would be omitted from any approval granted.

Car parking

Car parking provision would be unaffected by the proposal.

Bin storage

At the time of the site visit, some of the bins were stored within the rear amenity space, where the extension is to be erected. Some other bins are located within the side amenity space. As such, adequate space exists within the curtilage of the dwellinghouse for bins to be stored.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions to the approval have also been attached.

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:

-Householder Application for Planning Permission for works or extension to a dwelling, stamped as received by the City Council as Local Planning Authority on 12 September 2022.

-Drawing- Existing & Proposed- Plans and Elevations, numbered 2452_MOS_01, stamped as received by the City Council as Local Planning Authority on 12 September 2022.

-Drawing- Location Plan- The Location Plan, stamped as received by the City Council as Local Planning Authority on 12 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 Manchester Core Strategy.

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials used to construct the external elevations of the extensions hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

10 Kirkby Avenue, Manchester, M40 5HN
29 Kirkby Avenue, Manchester, M40 5HN
25 Kirkby Avenue, Manchester, M40 5HN
18 Kirkby Avenue, Manchester, M40 5HN
21 Kirkby Avenue, Manchester, M40 5HN
12 Kirkby Avenue, Manchester, M40 5HN
35 Kirkby Avenue, Manchester, M40 5HN
33 Kirkby Avenue, Manchester, M40 5HN
31 Kirkby Avenue, Manchester, M40 5HN
27 Kirkby Avenue, Manchester, M40 5HN
23 Kirkby Avenue, Manchester, M40 5HN
16 Kirkby Avenue, Manchester, M40 5HN

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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA