

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134289/FH/2022

Date registered valid: 26 July 2022

Proposal: Erection of a two storey side extension to form additional living accommodation

Address: 5 Shadowbrook Avenue, Manchester, M23 2BD

Ward(s): Baguley Ward

Applicant: Mr Sanjiv Taneja & Mrs Taneja 5 Shadowbrook Avenue, Manchester, M23 2BD

Agent (if any): Mr Brian Bentham Brian Bentham Associates 14 Laburnum Grove, Ellesmere Port, CH66 2PD

Case officer: Katie Raw
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Recommendation: Approve

Date of recommendation: 16 September 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 12 August 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 24 August 2022 Expired: 31 August 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 5 Shadowbrook Avenue within the Baguley ward of south Manchester. The property relates to a semi-detached, red brick, new build, two storey dwellinghouse, with an existing front porch. Amenity space to the front of the property consists of a driveway, a flagged area and a small green area with some small trees. Access to the rear can be gained through the side area which is enclosed by high wooden fences. A further wooden fence offers access to the rear which consists of a shed, single storey rear extension, a raised patio, flagged area and further green space.

Description of development

The submitted application seeks planning permission for the erection of a two storey side extension to form additional living accommodation.

The proposal at ground floor level would have approximate dimensions of Length: 7.2 x Width: 2.4 metres and would be set back from the primary building line by 0.5 metres. The proposal at first floor would have approximate dimensions of Length: 5.7 x Width: 2.4 metres and would be set back from the primary building line by 2 metres. The proposal would have a total height of 6.9 metres and would have a roof lower than the host property by 0.5 metres.

At ground floor the proposal would create a new utility and an enlarged kitchen/dining room, and at first floor would create a 4th bedroom and an adjoining W/C.

The proposal would involve the insertion of a door with an adjoining window and a further window within the front elevation, a fixed obscure glazed window within the side elevation and a door with an adjoining window and a further window within the rear elevation.

The proposal would sit behind the existing timber gates, the area which would offer provision for bin storage.

Materials to be used to match the host property would include facebrick finish walls, roof tiles, white UPVC windows and white UPVC doors (doors to be half glazed).

Amended plans

Following on from the site visit, the initial drawings submitted did not create a sense of subserviency within the first floor element of the extension. To overcome the concerns and the neighbour objection received (details below) the agent amended the drawings to incorporate a two metre set back at first floor level and the amended drawings are assessed within the report. Neighbours were re-notified accordingly.

Planning history

057759/FO/SOUTH2/99- Land off Greenbrow Road/Chalford Road- Mixed development comprising 79 residential units and 4 shop units.
Approved 27 January 2000.

043980/VO/SOUTH3/93- Land at Greenbrow Parade Newall Green- Demolition of existing shops/ housing and erection of a supermarket, eight shops, new housing with carparking and landscaping.
Approved 30 September 1993.

Consultations & Notification Responses

Local residents

Local residents were consulted and one neighbour placed an objection, with the following concerns:

- De-phasing of the overall view: concerns that the appearance of the proposal would alter the appearance of the host property which would set a precedent within the streetscene.
- Potential to decrease the value of the neighbour's property with potential terracing impact.
- Residential amenity implications from the potential terracing effect.
- Loss of space between the two properties and the potential for this to affect ventilation, minimise free flow of air circulation and block out light / access to sunlight and the current view of the main road as currently seen at a 45-degree angle from the window to the side of the extension.
- Potential noise implications.

No further comments or objections were received by neighbours following the re-consultation due to amended plans.

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).

DC1.4 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.

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.

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 is for the erection of a two storey side extension to form additional living accommodation. 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 proposal would be sited approximately 0.3 metres from the shared boundary with no.7 Shadowbrook Avenue and as such this neighbour would be the primary neighbour to be affected by the proposal. The proposal would result in additional built form located against the shared boundary at two storey level. As none of the built form would come forward of the neighbour's rear building line, the proposal would be hidden and as such would not produce an overbearing feature for the neighbour.

One fixed obscure glazed window is to be inserted in the side elevation of the proposal facing onto 7 Shadowbrook Avenue. As the window is to be obscure glazed and non-opening it would not create any overlooking or privacy implications to the neighbour. This would be conditioned accordingly and should 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, a condition to this effect would be placed on any approval granted. 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.

To further reduce the impact for no.7 Shadowbrook Avenue, the amended drawings for the set back of two metres at first floor would ensure the proposal is subservient to the host property and would increase the space to the front of the proposal, creating a more open feel. Due to the orientation of the properties along Shadowbrook Avenue, the proposal would not give rise to any overshadowing or loss of light implications.

A door with an adjoining window and a further window at first floor level would be evident within the streetscene. The proposal would sit behind the timber fences currently in situ at the site and as such, neighbours opposite the proposal would only see the additional first floor window. As this section of the proposal would be set back by two metres, the additional window would not give rise to any overlooking or privacy implications.

The proposal would not create any adverse visual/residential amenity implications for the property to the rear (no.9 Shadowbrook Avenue). This is due to the proposal not coming forward of the rear building line and since the first floor window within the rear elevation would be conditioned to have an obscure glazed window.

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

Design and Appearance

The materials to be used for the proposal would match the host property and as such would be sympathetic in design. As such the materials are acceptable and a materials condition to that effect would be attached to any consent granted.

Despite being two storey, the side extension is not considered excessively bulky or large, pursuant to Policy DC1.2. The proposal would sit behind the retaining timber fence and as such, only the first floor of the proposal would be easily visible from the streetscene. Even if the timber fence was to be removed impacts would not be overbearing. DC1.4 of the UDP requires the creation of domestic extensions which are subservient to the main house, do not cause a terracing effect and must provide a 1.53 metre gap to the shared boundary. In order to avoid the terracing effect and to ensure that subserviency to the original dwellinghouse is achieved, it is

acknowledged that a 1.53 metre gap to the boundary cannot be provided without severely compromising the internal space of the extension. Therefore, the extension was set back by two metres at first floor level and as such is considered to be pursuant to Policy DC1.4 of the UDP.

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 objection

One neighbour objection was received during the consultation, although no further comments were received from the neighbour during the re-consultation period. Considering the neighbour's objection, in this instance the insertion of the two metre set back at first floor level is considered acceptable to mitigate against a terracing impact the neighbour alluded to. It is to be reminded that it is planning's role to positively view development and extensions to residential properties and it is to be reminded of the developments that could be obtained through the route of Permitted Development. Some of the issues raised by the neighbour are considered to exist outside the remit of planning.

Car parking

The current provision for one off-street parking space would remain as a result of the proposal.

Bin storage

Bins would be stored within the bin storage area created and would be hidden from the streetscene.

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.

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 26 July 2022.
- Drawing- Location Plan- Location Plan/ Site Plan, numbered 1086/01, stamped as received by the City Council as Local Planning Authority on 7 July 2022.
- Drawing- Proposed- Floor Plan, numbered 1806/05 B, stamped as received by the City Council as Local Planning Authority on 24 August 2022.
- Drawing- Proposed- Floor Plan, numbered 1806/06 B, stamped as received by the City Council as Local Planning Authority on 24 August 2022.
- Drawing- Proposed- Elevations, numbered 1806/07 B, stamped as received by the City Council as Local Planning Authority on 24 August 2022.
- Drawing- Proposed- Section, numbered 1806/08 B, stamped as received by the City Council as Local Planning Authority on 24 August 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) Before first occupation, the first floor window within the side elevation and the first floor window within the rear elevation as shown on the approved 'Drawing- Proposed- Elevations, numbered 1806/07 B', stamped as received by the City Council as Local Planning Authority on 24 August 2022, 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.

In addition, the first floor window within the side elevation shall be non-opening and shall remain so in perpetuity.

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

5) 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

7 Shadowbrook Avenue, Manchester, M23 2BD
2 Shadowbrook Avenue, Manchester, M23 2BD
9 Shadowbrook Avenue, Manchester, M23 2BD
6 Shadowbrook Avenue, Manchester, M23 2BD
4 Shadowbrook Avenue, Manchester, M23 2BD
3 Shadowbrook Avenue, Manchester, M23 2BD

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