

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133802/PDE/2022

Date registered valid: 16 May 2022

Proposal: Prior notification of proposed larger home extension projecting 6m to the rear with a maximum height of 3m and a height at eaves of 3m

Address: 3 Whitby Avenue, Withington, Manchester, M14 6QJ

Ward(s): Withington Ward

Applicant: Mr S Marshall 3 Whitby Avenue, Withington, Manchester, M14 6QJ

Agent (if any): Andrew Gaskell Home Design & Build Suite 125, Imperial House, 79-81 Hornby Street, Bury, BL9 5BN

Case officer: Matthew Kilsby
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Recommendation: Refused extension - GPD

Date of recommendation: 27 June 2022

Application details

Type of application: General Permitted Development-Extensions

Development type: Notifications

Date of site visit: 24 June 2022

Standard consultations:

Printed: 19 May 2022 Expired: 19 May 2022

Neighbour notifications

Printed: 19 May 2022 Expired: 9 June 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: Not applicable

Tree Preservation Order: Not applicable

Description of area, site and proposal

The property is a two storey semi-detached dwelling that is located in an area that is predominantly residential in character. The property benefits from a large garden to the rear and has previously been extended, with a conservatory and single storey extension that project approximately 3m from the original rear wall.

The proposed extension is submitted under the prior approval route as set out in Schedule 2, Part 1 of Class A, specifically at paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is to extend the house by 6m to the rear with a maximum height of 3m and a height at eaves of 3m.

Consultations & Notification Responses

In accordance with paragraph A.4(5) of the above-mentioned Order, each of the adjoining neighbours were notified of the proposal by letter dated 19 May 2022, with a deadline for responses being 9 June 2022.

One objection has been received and this is summarised as follows:

- There is a lack of information in the proposal. However, if there are windows to be incorporate into the side elevation then I object.

- If the extension is to be built on the party boundary then I object.
- If the roof is not flat or is more than 3m high or has skylights then I object.

As a result of the single objection, it was necessary to assess the impact of the proposal on the amenity of any adjoining premises as set out in paragraph A.4(7) of the Order. Given the layout of 1-5 Whitby Avenue, the assessment was made in relation to the impact No. 1.

In advising the agent of an objection and the need to make a site assessment, it was noted that the only plan submitted with the proposal was that of a site plan; the agent was therefore invited to submit detailed elevation drawings of the proposal and these would be taken into account when assessing the impact. No response has been received, the impact of the proposal is therefore based on the limited details submitted with the application on 16 May 2022, which consist of the application form describing the development and the site plan indicating the extent of the footprint of the proposed extension. There is no indication as to the location of any windows in the rearward extension.

Policies

Prior Approval

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class A, Part 1, of Schedule 2 and having regard to paragraph A.4(9) as to the level of consideration afforded to impact on amenity.

Unitary Development Plan Saved Policies

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 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 the 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 car parking in a situation where there is so severe an existing on street car 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 (12ft) in length

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

Policy SP1 identifies 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 including:-

- 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 or income.
- Protect and enhance the built and natural environment
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 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:-

- 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.
- 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.
- 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.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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):

- 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;

- 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. 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.

For decision-taking this means:

- c. approving development proposals that accord with an up-to-date development plan without delay; or
- d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Chapter 8. Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a. promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- b. are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c. enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Chapter 12. Achieving well-designed places

126. The creation of high-quality beautiful and sustainable 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.

Issues

The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely based on its impact on the amenity of any adjoining premises - taking into account any representations received.

The proposed extension is a departure from the Development Plan, the Council's policy permitting extensions up to 3.65m; this exceeding that by 2.35m. However, it meets the requirements governing larger house extensions under the amended 2015 Order.

The rear garden of 3 Whitby Avenue is relatively large and the property has previously been extended with a conservatory, adjacent to the shared boundary with no. 1, and a single storey extension. It is assumed that this proposal includes the demolition of these two historic developments. Adjacent to the shared boundary with no. 1 is mature vegetation, including a conifer, beach tree and shrubs, which provide natural screening between the two gardens.

As mentioned above, the proposal contains a limited amount of detail except for a location plan/site plan, which shows the approximate location of the extension. However, it would appear to be a full-width extension that is to be constructed directly adjacent to the shared boundary with 1 Whitby Avenue. The proposed extension will be almost twice as long as the existing rear conservatory, which is set-back slightly from the boundary. The conservatory has a mono-pitch roof that is approximately 2.4m high where it meets the rear elevation of the property. The proposed extension presumably to be a flat roof construction, on the basis that the applicant

has stated on the application forms that both the height of the eaves and the maximum height are to be 3m.

Saved Unitary Development Plan policy DC1.1 requires the Council to have regard to the general character of the property; the effect upon the amenity of neighbouring occupiers; the overall appearance of the proposal in the street-scene. Furthermore, DC1.2 states 'extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan, and requires that they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses and that 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.

Whilst it is difficult to assess the full impact of the proposal in the absence of any detailed elevation plans that would identify the placement of any windows, roof lanterns or roof lights, it is considered that at 6m in length and 3m in height, constructed directly adjacent to the boundary, the extension will have a detrimental impact on the living conditions and amenity of the neighbouring occupiers at no. 1. In order to construct the extension, it is assumed that the mature vegetation on the shared boundary will be removed, which currently provides a good level of natural screening. The resultant extension, by virtue of its scale and bulk on the shared boundary, will be a dominant and visually intrusive feature that would fail to be subservient to the original dwelling. It should also be noted that there is a main habitable room on the ground floor of no. 1, which is adjacent to the boundary. It is considered that a 6m long and 3m high extension would have an unacceptable impact on the living conditions of the occupiers of no. 1 and would significantly affect the outlook from this main habitable room.

For these reasons, and in the absence of more detailed information to form a different opinion, the proposed extension is considered unacceptable, in that it would likely be detrimental to visual and residential amenity.

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: Refused extension - GPD

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

1) Manchester City Council confirms that objection(s) have been received and the City Council has therefore assessed the impact of the development on the amenity of all adjoining neighbours.

The Council believes that the development would impact on the residential amenity of the neighbours at 1 Whitby Avenue in that it would have an overbearing presence and create an oppressive sense of enclosure, at 6m in length directly adjacent to the shared boundary. The extension would be above the boundary fence and, given its depth, would dominate the most used part of the garden area at No. 1. For these reasons, the proposed extension is considered unacceptable, in that it would likely be detrimental to visual and residential amenity.

The proposed extension is considered to be unacceptable in terms of its scale and massing and would be detrimental to visual and residential amenity within the area, contrary to saved Unitary Development Plan Policies DC1.1, DC1.2, DC1.3, and policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

1 Whitby Avenue, Withington, Manchester, M14 6QJ
18 Mostyn Avenue, Manchester, M14 6QG
5 Whitby Avenue, Withington, Manchester, M14 6QJ
16 Mostyn Avenue, Manchester, M14 6QG

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: CMPLNC