

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133230/FO/2022

Date registered valid: 21 April 2022

Proposal: Erection of two-storey and part single-storey side extension, incorporating a ground floor front bay window and erection of a front porch, together with alterations to the ground floor front elevation and the formation of a bay window to the original, dwellinghouse

Address: 501 Burnage Lane, Manchester, M19 1WL

Ward(s): Burnage Ward

Applicant: Mr Zaid El-Wadi, 501 Burnage Lane, Manchester, M19 1WL

Agent (if any): Ms Sadaf Malik, Plan & Design Consultancy, 61 Bridge Street, Kington, HR5 3DJ

Case officer: Robert Griffin
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Recommendation: APPROVE

Date of recommendation: 14.06.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17th May 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 April 2022 Expired: 12 May 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

The application property is an extended semi-detached property located on Burnage Lane which is a predominantly residential area although a parade of commercial properties is located to the north west of the property at the junction between Burnage Lane Errwood Road and Mauldeth Road.

Description of development

Erection of two-storey and part single-storey side extension, incorporating a ground floor front bay window and erection of a front porch, together with alterations to the ground floor front elevation and the formation of a bay window to the original dwellinghouse. The proposals seek the use of the property as a single C3 dwellinghouse.

Planning History

123199/LE/2019 Application Refused - 24.05.2019 501 Burnage Lane, Manchester, M19 1WL, CERTIFICATE OF LAWFUL EXISTING USE - Use of property as two self-contained flats

112145/FH/2016/S2 Application Approved - 06.09.2016 501 Burnage Lane, Burnage, Manchester, M19 1WL Erection of two storey side and rear extension to form additional living accommodation

ENF/14327/19 - The subdivision and conversion of the dwellinghouse at 501 Burnage Lane to form two self-contained flats; the erection of a single storey front extension at 501 Burnage Lane; and the erection of a part single/part two storey dwellinghouse to the side of 501 Burnage Lane to form 499A Burnage Lane. -Appeal dismissed November 2021

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, no responses were received.

Policy

Relevant policy to this application is contained in the NPPF (2019) and Core Strategy policies DM1 and SP1 and saved UDP policy DC1.

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

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 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
- c) 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.

Core Strategy policy DM1 indicates 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, 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.

Core Strategy policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester 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.

Unitary Development Plan

Policy DC1 of the Unitary Development Plan seeks to accommodate the 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. It relates specifically to residential extensions and the relevant criteria from this policy include:

DC1.1 The Council will have regard to:

- a. The general character of the property
- b. The effect upon the amenity of neighbouring occupiers
- c. The overall appearance of the proposal in the street scene;
- d. The effect of the loss of any on-site car-parking

Policy DC1.2 states extensions will be allowed subject to:

- 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 a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. They would not result in the loss of off-street parking

Policy DC1.3 states that 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).

Policy DC1.4 indicates that 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.

Issues

The principle of householders extending their properties to provide additional living accommodation is generally acceptable subject to further consideration of the impacts of proposals on residential amenity and the character of the area.

As set out in the planning history section of this report the property was subject to previous approvals for two storey side and part single and part two storey rear extensions. The property was subsequently extended but deviated from the approval by incorporating a single storey extension at the ground floor of the side extension and a larger front porch extension. In addition to this an additional single storey side extension attached to the two storey side was also constructed. These additions were also accompanied by a sub division of the property into 2 self contained apartments. An enforcement notice against these additions and change of use was issued and a subsequent appeal dismissed in November 2021.

The current application proposals seek to resolve the disputed elements constructed and the unauthorised change of use that had taken place. The differences from the previously approved scheme under planning permission 112145/FH/2016/S2 are that the two storey side extension is flush at ground floor with the principal elevation of the dwelling, whilst the first floor is set back by 1.6 metres. The original approval had a 2.1m set back at ground and first floor. The front face of the ground floor now proposed incorporates a ground floor bay window and the front porch has been reduced in width to sit in front of the front door rather than extending across the principal elevation of the property. The rear extension largely follows the extent previous approved in the 2016 approval with a 3.5m rearward projection at ground floor with the first floor outrigger also following the same depth from the side extension and being 5.6 metres in width.

Residential Amenity - The proposals are located to the side and rear of the existing property. The elements to the rear largely follow that previously approved and are considered to be acceptable and not give rise to unacceptable impacts on residential amenity. There is a ground and first floor side window serving a bathroom and it is proposed to obscurely glaze these.

Visual amenity – The proposals have a first floor set back of 1.6metres with a nominal gap to the site boundary of 355mm at the front with a wider gap (3m) towards the rear of the side extension given the tapering away of the site boundary with the adjacent property. Since the approval of the 2016 proposals, it is noted that the adjacent property to the north has constructed a part single/part two storey side extension with ground floor bay window. This has retained a gap to the application site boundary and given the angle that this property addresses the street and the application property it is considered that the first floor set back is sufficient to not give rise to a terracing effect. In addition, the setting down and hipped nature of the roof to the side extension, and the reduced size of the front porch further assist in creating a

subservient effect. As such it is considered that the proposals would not have an unacceptable impact on the streetscene in this instance.

Car parking – Off street car parking would be maintained.

Bins – A bin store is proposed within the front garden area behind the existing hedge. This is considered acceptable.

Other matters – Given the extensions approved and remaining rear garden it is considered necessary to remove permitted development rights for the erection of outbuildings, it is also considered necessary to remove permitted development rights for further additions to the roof in the interests of visual and residential amenity.

It is noted that some boundary treatments remain in the rear garden associated with the previous unauthorised sub division of the property and following the removal of the single storey side outrigger there would be an element of boundary treatment that would require replacing, as such a condition relating to the submission and approval of boundary treatments is considered necessary.

Conclusion - The proposals are considered to be acceptable and not give rise to significant impacts on residential or visual amenity. As such it is considered that they are in accordance with the adopted planning policies and can be supported.

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 application has been determined in a positive and proactive manner, in this instance a decision has been issued within statutory timescales.

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:

Drawing references: 4 'Proposed plans'; 5 'Proposed plans', 6 'Proposed Elevations'; 11 'Block Plan' as received by the City Council as local planning authority on the 16th March 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 materials to be used on the external surfaces of the development hereby permitted shall be arranged and match those of the original dwellinghouse in type, size, colour and texture.

Reason - To ensure 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 DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) Before first occupation the windows serving the ground and first floor shower and bathroom in the side elevation facing no. 499 Burnage Lane 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.

5) 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 single Class C3(a) dwellinghouse 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.

6) Within 1 month of the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected at the property shall be submitted to and approved in writing by the City Council as local planning authority. The boundary treatment shall be installed prior to the completion of the development in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with policies SP1 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwellinghouse hereby approved shall not be extended, and no structures or outbuildings shall be erected within the curtilage areas, without the benefit of planning permission.

Reason - In the interests of residential amenity, and to safeguard the character of the area, pursuant to policies SP1 and DM1 of Manchester's Core Strategy.

Appendix 1 – List of consultees & neighbours notified

499A Burnage Lane, Manchester, M19 1WL
23 Moorcroft Drive, Manchester, M19 1NL
25 Moorcroft Drive, Manchester, M19 1NL
499 Burnage Lane, Manchester, M19 1WL
Flat 2, 501 Burnage Lane, Manchester, M19 1WL
Flat 1, 501 Burnage Lane, Manchester, M19 1WL
496 Burnage Lane, Manchester, M19 1LD
27 Moorcroft Drive, Manchester, M19 1NL
503 Burnage Lane, Manchester, M19 1WL
494 Burnage Lane, Manchester, M19 1LD
492 Burnage Lane, Manchester, M19 1LD
490 Burnage Lane, Manchester, M19 1LD
488 Burnage Lane, Manchester, M19 1LD
486 Burnage Lane, Manchester, M19 1LD
484 Burnage Lane, Manchester, M19 1LD
482 Burnage Lane, Manchester, M19 1LD

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: SOUTH