

Application Number	Date of Appln	Committee Date	Ward
137172/FH/2023	30 Jun 2023	16 Nov 2023	Hulme Ward

Proposal Erection of a single storey rear extension to provide additional living accommodation

Location 126 Chichester Road, Manchester, M15 5DZ

Applicant Ms Lee-Ann Igbon

Background

This application was considered by a meeting of the Planning and Highways Committee on the 16th November 2023 where Members resolved to defer consideration in order for additional images of the extension to be included within the report. This would also provide some understanding of the course of events leading to the extension being partly erected providing visual context. These images have been included in the main body of the report. Concern was also expressed by Members that this application is retrospective. It is the case that a retrospective application is fully assessed in the same way as any other application and the extension, the subject of this application, has been fully considered on its individual merits.

Executive Summary

The proposal seeks planning permission to retain a single storey rear extension in the rear garden of 126 Chichester Road, located within the Hulme Ward of the City. The extension has a rearward projection of 4.54 metres, a lean to roof with a maximum height of 3.54 metres and an eaves height of 2.26 metres. The extension has a width of 3.83 metres which is approximately just under the width of the full dwellinghouse.

The property has benefitted from a prior approval application reference for **129689/PDE/2021** a larger home extension which allows an extension in this location albeit on a slightly smaller footprint. There appears to have been an error during construction associated with the original plans and the applicant is seeking to rectify this with this current application. As noted, the extension is slightly larger than that previously agreed but is not unusual for a single storey domestic extension and allows improvements to be made to the original property. The principle of a single storey rear extension projecting 3.5m from the rear of the main house has been established at the application property.

7 addresses were notified of the application and a number of representations have been received from the same address in response to the notification letter.

Key Issues

Description of the Site

This application relates to the rear garden of a modern two storey mid terraced house within the Hulme Ward of the City. The property is located within a cluster of other residential properties that are arranged in a loosely defined triangular shape, with all rear gardens backing onto one another. The property has not previously been extended and benefits from both front and rear gardens. There is no driveway at the property but there is on street-car parking available for residents along Chichester Road. The dwellinghouse fronts Chichester Road and there is a passageway that provides access via timber gate to the rear garden from the public footpath located between 120/122 – 124 Chichester Road.

This application is being reported to Committee as the applicant is an Elected Member.



Image 1 Aerial View to show relationship between the application site (edged in red) and neighbouring properties. Source: www.google.com/earth



Image 2: Photograph Locations



Photograph 1 View from Holdgate Close



Photograph 2 View from Holdgate Close car park area



Photograph 3 View from rear garden



Photograph 4 View from rear garden



Photograph 5 View from Chichester Road looking towards numbers 120/122 and 124.



Photograph 6 View between numbers 30 and 32 Holdgate Close

Consultations

Residents/Public Opinion – Representations received raised question relating to the size, including height and length of the extension and to how these differed to those approved under 129689/PDE/2021.

They questioned how much garden space would remain or be lost because of the extension.

Questions have been raised regarding the site edged in red and that the side access path is owned by another party.

Concerned about the impact of the extension in term of overshadowing and loss of light on 128 Chichester Road and would allow for access to a side window for a hallway at first floor of a neighbouring property.

Also asked how much consideration has been given the Party Wall Act 1996 etc

Planning History

There has been one previous application at this address for a prior notification for a proposed larger home extension, details provided in the table below.

The application was approved and would allow for a single storey rear extension with the following dimensions 3.5m rearward projection, with a maximum height of 3.4m and a height at eaves of 2.4m.

Application Reference and Decision	Description of Development
129689/PDE/2021 Conditional extension - GPD - 19.04.2021	Prior notification of proposed larger home extension projecting 3.5m to the rear with a maximum height of 3.4m and a height at eaves of 2.4m

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Core Strategy Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: o creating well designed places, o making a positive contribution to health, safety and well-being, o considering the needs of all members of the community, and o protecting and enhancing the built and natural environment. This is an overarching policy which sets the context for this application.

Policy DM1 of the Core Strategy states: All development should have regard to the following specific issues (relevant listed below) :-

-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.

As set out within the issues section of this report below, the application proposal accords with policy DM1 of the Core Strategy.

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 and are relevant to consideration to the proposed extension to a residential dwellinghouse.

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 (relevant listed below) :

a. rearward extensions greater than 3.65m (12 ft) in length;

b

e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007)

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs, and respecting the character and context of an area. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance provides a framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context.

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.

Fall Back Position

The fallback is a material consideration in the decision-making process, of which the Permitted Development (PD) rights given by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) comprise an important part. Thus, when making a decision on a planning application it may be argued with some effect that a similar development could be carried out under permitted development rights without the need to apply for planning permission and therefore an extension could be erected which has broadly similar or worse impacts to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

The baseline extension established by the Order would allow for a single storey rear extension at this address which could have a maximum rearward projection of 3 metres, a maximum height of 4 metres and an eaves height of 3 metres (if built within

2 metres of a shared boundary) and could be built without the requirement of the submission of a planning application or a Prior Approval.

The applicant had previously applied for a prior notification of proposed larger home extension (planning reference: 129689/PDE/2021) which is subject to a neighbour notification process but would allow for a larger extension with a maximum rearward projection of 6 metres. In this case the applicant applied for a single storey extension with a projection of 3.5 metres to the rear with a maximum height of 3.4 metres and a height at eaves of 2.4 metres which was approved.

The proposed elevations for 129689/PDE/2021 are shown below in image 3.

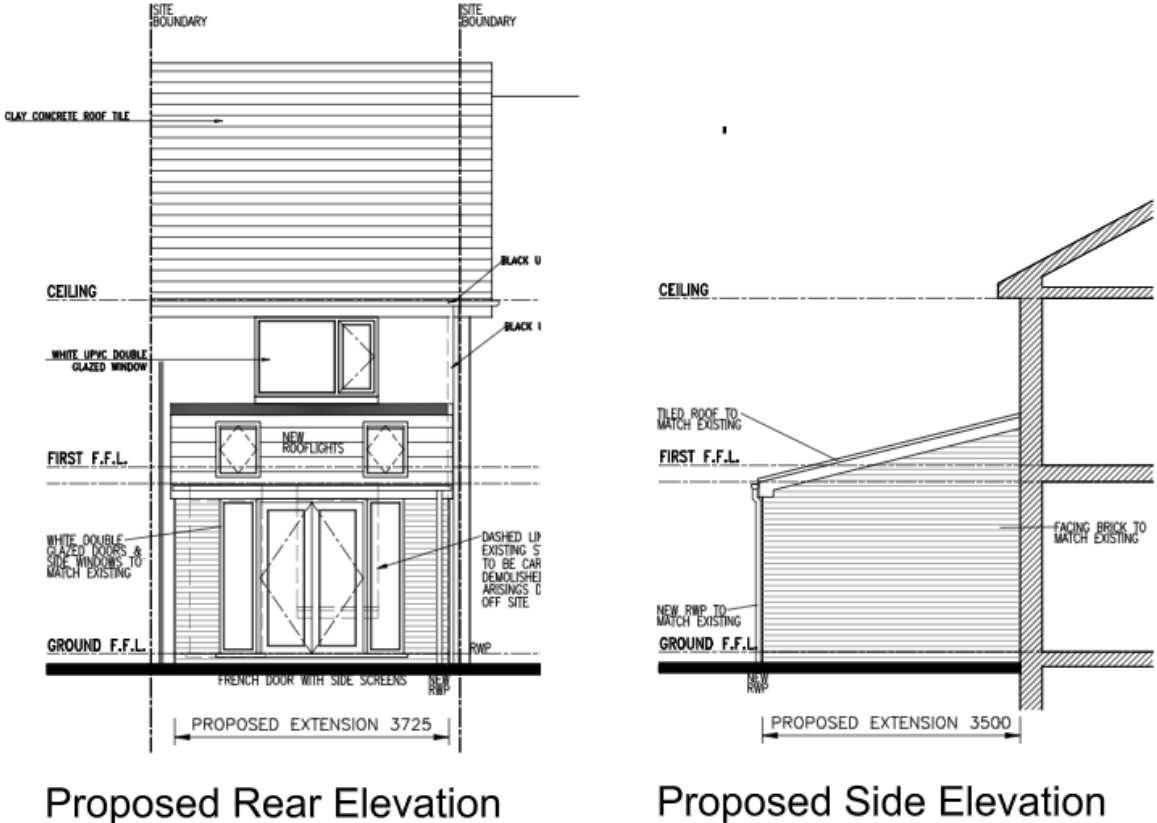


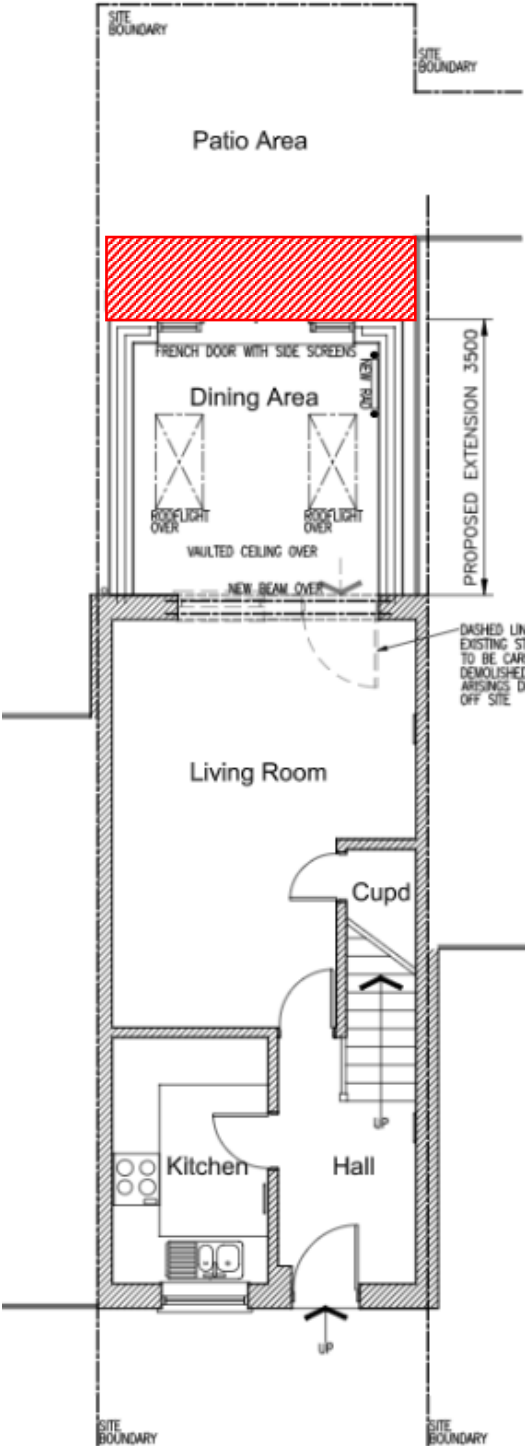
Image 3 Proposed Rear and Side Elevation approved under planning reference: 129689/PDE/2021

However, during the construction of the above extension it became apparent that the extension differed from the dimensions above and thus if the applicant sought to retain the extension as being built, they would require planning permission.

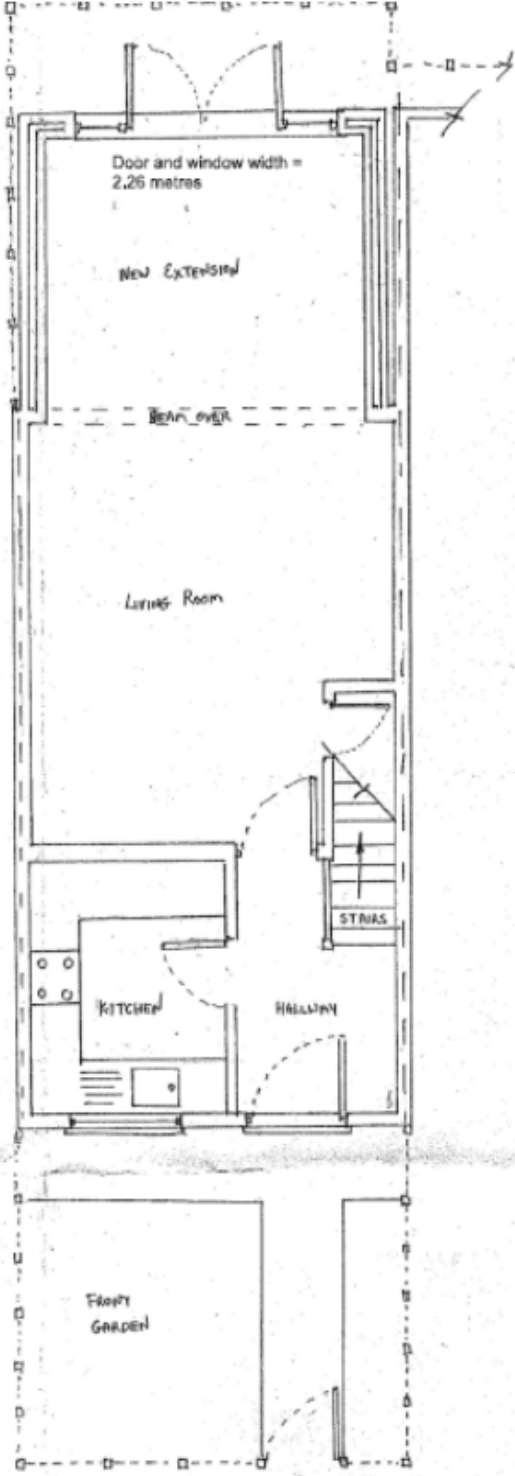
Therefore, the applicant in this application is seeking to retain and continue constructing a single storey rear extension with a rearward projection of 4.54 metres a lean to roof with a maximum height of 3.54 metres and an eaves height of 2.26 metres. The extension has a width of 3.83 metres which is approximately just under the width of the full dwellinghouse.

A comparison of the ground floor plans for both the previous approval 129689/PDE/2021 and those currently being applied for as part of this application are

shown in image 4. A red hatched box has been added to image 4 to show the increase in rearward projection between the prior notification for a proposed larger home extension application and the current proposal.



129689/PDE/2021



137172/FH/2023

Image 4 Comparison of the proposed ground floor plans

Character of the Area and Visual Amenity

The extension is brick built with a lean to concrete tiled roof which is considered to be in keeping with the character of the modern property to which it is attached (Image 5). The location of the extension at the rear of the property would result in limited views from the public highway and thus it is not considered to have a significant impact on the visual amenity of the area or the streetscene.

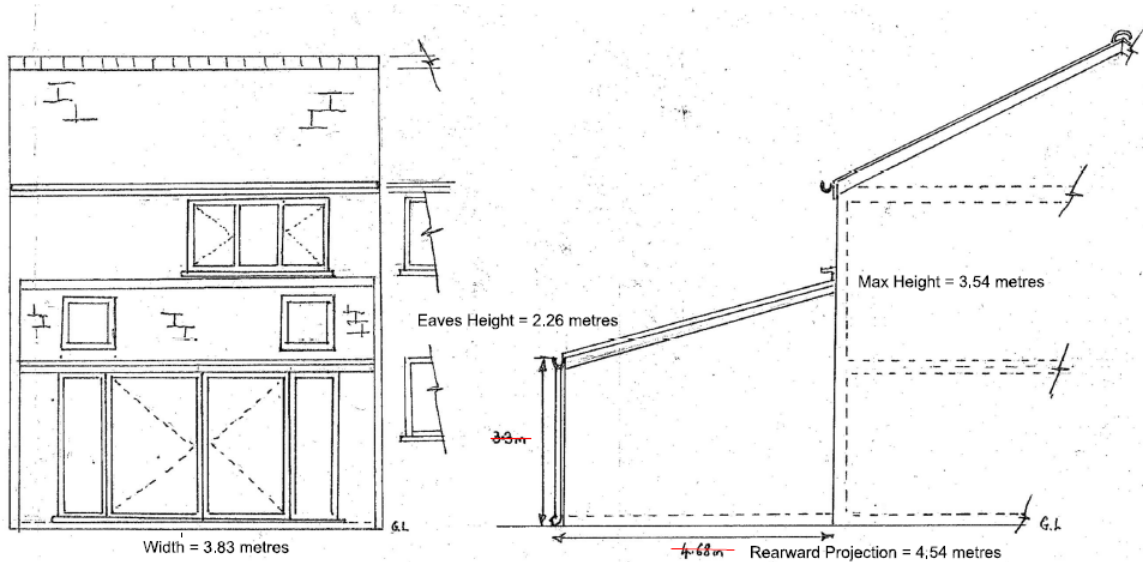


Image 5 Proposed Rear and Side Elevation

Residential Amenity

Due to the siting of the extension to the rear, the proposed built form would not give rise to any undue overshadowing or loss of light to other neighbouring properties, largely as the garden at 128 Chichester Road is north facing and the garden of 124 would not be affected to any significant degree by the development as the extension would be erected along the side wall of that property. As such it is not considered that the proposed extension would give rise to unacceptable impacts on the residential amenity of existing properties overshadowing or loss of light. Any impact on the adjoining property to the west is not considered to be unduly harmful as the proposal is single storey and would incorporate a lean to roof which slopes away and downwards from the main house. The extension would also only project an additional 1.04m than an extension allowed under a larger homes approval.

Whilst the extension has reduced the size of the rear garden, the garden would still be capable of allowing a sufficient space for the occupiers which is not out of character in this context.

Together with that the fact that the south facing front garden would be unaffected by the development.

Concerns have been raised regarding access to a first-floor window in the side elevation of an adjoining property and that the extension would allow easy access to the window. However, this impact would arise if the applicant were to make use of

permitted development rights or erect the extension approved previously. The rear of these dwellings is also in a secure area with good natural surveillance.

Conclusion

It is considered that the proposed extension is acceptable and has been designed to be subservient to the existing dwellinghouse. The proposals would not give rise to impacts on residential amenity of nearby occupiers in terms of overlooking, loss of privacy, overshadowing or loss of sunlight and accord with the adopted planning policies for residential extensions. Any issues relating to the Party Wall Act would not be a material planning consideration and would be a civil matter between the two parties.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 the right to a fair hearing and to this end the Committee 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 polices 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 of the application 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 positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were

incorporated into the scheme and/or have been secured by planning condition. The requirement in Paragraph 38 of the NPPF have been complied with.

Conditions to be attached to the decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

"Proposed Rear Extension to 126 Chichester Road Hulme"

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.

2) The materials to be used on the external surfaces of the extension hereby permitted shall be similar in appearance to those used during the construction 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.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 137172/FH/2023 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer :	Robert Tyrer
Telephone number :	0161 234 4068
Email :	robert.tyrer@manchester.gov.uk

