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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
093213/FH/2010/S2	24th May 2010	29th Jul 2010	Didsbury East Ward

**Proposal** Part Retrospective Application for the erection of a part single part two storey rear extension with raised decking

**Location** 16 Old Broadway, Didsbury, Manchester, M20 3DF,

**Applicant** Mrs Deborah Roussak , 16 Old Broadway, Didsbury, Manchester, M20 3DF,

**Agent** Mr Craig Noden, Jigsaw Design Ltd, 120 Pikes Lane, Glossop, Derbyshire, SK13 8EH

### **Description**

The application site contains a large 4 bedroom detached family dwelling set within an extensive plot with front, side and rear garden areas. There is also a single storey garage at the side of the dwelling abutting the shared boundary with number 18 Old Broadway. The application dwelling is situated at the heart of the road and forms part of four dwellings arranged around the main round-about on the road.

The property is two storey in height with accommodation in the roof space. Constructed mainly out of buff brick, there are projecting bays at front, side and rear coupled with a staggered building line at the rear with gives this property its distinctive style.

The property sits within the Old Broadway Conservation Area which was designated in 1991. The road contains large family dwellings detached and semi-detached in nature. The application dwelling is of architectural merit but is not Listed.

Planning permission was granted at the property in December 2008 for the erection of a single storey rear extension and raised deck area (087838/FH/2008/S2).

The applicants are seeking planning permission for the erection of a part single part two storey rear extension with raised deck area. Through the course of the planning application work began on the extension beyond what had been approved in the 2008 planning permission. Accordingly, officers asked applicants to cease all work whilst the current application was still under consideration. The applicant followed this advice.

### **Consultations**

#### **Local Residents**

A total of 13 objections have been received in respect of this planning application. The comments can be summarised as follows:

- The two storey extension in the garden is not retaining the spaces between the houses neither is it ensuring the preservation of the character of the houses;

- The proposal will project in front of the rear alignment of the houses which will effect the light of these properties;
- The occupants of 22 Old Broadway consider that the proposal will block the sun light in the afternoon and evening;
- The proposal will set a precedent for other extensions in the road;
- There is concern that this property will be converted into flats;
- The proposal looks more like a three storey addition;
- The extension, both horizontally and vertically, will impact on the appearance of the road, and clearly affects the space between the houses;
- The rear building line is an important aspect of the design of the road;
- The four houses next to the large round-about in the road are clearly a focal point of the overall design, and such a large extension destroys the balance in the design;
- No permission has been granted in the past for a two storey extension to one of the original houses;
- This proposal will set a precedent which could destroy the character of this Conservation Area;
- There will be a reduction in light amenity for near neighbours particularly at 18 and 20 Old Broadway;
- Work has taken place without planning permission;
- The proposal will change the shape of this key house and encroach onto the garden area;
- The proposal will clearly be visible from the road;
- The two storey extension will spoil the green and leafy view particularly from number 18;
- No other property has been allowed to extend at two storey along Old Broadway to date;
- The proposal constitutes an over development of the property;
- The owners of number 18 object to the planning application on the grounds that the extension will obstruct their skyline view and view of trees which will be blocked by a brick wall. There will no longer be a sense of space instead the rear patio will feel enclosed and will result in the loss of late afternoon sunlight. We do not object to the single storey extension that is not visible from our patio.

#### Old Broad Residents Association (OBRA)

“Old Broadway Residents Association wishes to object to the proposed development. Old Broadway Conservation Area is recognised as one of Manchester’s most attractive and historical residential streets since its designation in 1991.

Old Broadway was designed as an entity by Emmanuel Nove 100 years ago. The overall layout as well as the architectural design of the individual houses was specified and give the road its character.

The City Council’s own assessment of the Conservation Area outlines characteristics features to be preserved (or in some cases restored) i.e. frontages, roofs, spaces between houses, trees, building materials.

The guidelines states explicitly that no major development is anticipated. Rear extensions and other developments and change of uses are unwanted deterioration of the Conservation Area.

We understand that extensions are carefully scrutinised in Conservation Areas, with a presumption against, rather than in favour of, approval. The current application at number 16 is the first in Old Broadway to proposed a two storey extension. The OBRA has borne in mind both aesthetic and environmental concerns, but has also focused on the precedent that may be set, making it difficult for the City Council to resist similar applications in respect of other properties.

The four properties grouped around the larger island of trees, of which number 16 is one, have a critical impact on the overall character of Old Broadway, linking the two phases of Nove's project, and being at maximum risk of development due to their large plots and multiple access.

It seems that the proposed development, despite the use of sympathetic materials, is both inappropriate in terms of the design and balance of the house and garden itself, and also sets a dangerous precedent"

### **Issues**

The Development Plan

#### *Regional Spatial Strategy (RSS) for the North West*

The Secretary of State for Communities and Local Government announced on the 6 July 2010 that all Regional Spatial Strategies in England were to be revoked with immediate effect. The RSS's have been revoked under S79(6) of the Local Democracy Economic Development and Construction Act 2009. As such, the RSS for the North West no longer forms part of the Development Plan, for purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 and is therefore no longer a material planning consideration.

#### *Unitary Development Plan for the City of Manchester (Adopted 1995)*

The application site is unallocated within the Unitary Development Plan for the City of Manchester (1995).

The following policies are therefore applicable in the consideration of the planning application.

Policy H2.2 states that the Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy E3.8 states that the Council wishes to enhance the appearance of Conservation Areas.

Policy DC1, contained within part 2 of the UDP, outlines criteria for the extension and alteration to residential properties.

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 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 street-scene;
- e) The effect of the loss of any on site car parking.

In giving effect to this, DC1.2 states that extensions should not be excessively large or bulky (resulting in structures which are not subservient to the main house, create undue loss of sunlight or privacy nor be out of character with the style of development in the area.

Notwithstanding the above, DC1.3 states that the City Council will not normally approve extension which have a rearward projection greater than 3.65 metres.

Policy DC18 state that the Council will give particularly careful consideration to development proposals within Conservation Areas. The Council will seek to preserve or enhance the character of its designated Conservation Areas by considering the following issues:

- I. The relationship of new structure to neighbouring buildings and spaces;
- II. The effect of major changes to the appearance of existing buildings.

### Other Policy Documents

#### *Guide to Development in Manchester (Adopted April 2007)*

Different parts of the City, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area.

#### *Planning Policy Statement One*

PPS1 sets the overarching planning policies on the delivery of sustainable development through the planning system. In terms of design, the document states:

“Planning Authorities should plan positively for the achievement of high quality design

and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”

#### *Planning Policy Statement Five*

PPS5 sets out the Government’s overarching aims in relation to the historic environment. Assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Local Planning Authorities should take into account the desirability of new developments making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, material and use.

#### Principle

The application site is a residential property. This proposal seeks to erect a part single, part two storey rear extension and decked area to form additional living accommodation. Policy DC1 provides the criteria for the extension and alteration to residential properties. It is perfectly reasonable for a home owner to want to change their property to suit their needs.

In addition, there is no presumption against domestic extensions in Conservation Areas provided that they respect or make a positive contribution to the area (this will be considered within the main body of the report) and are appropriate in form and design.

As such, the proposal is acceptable in principle.

Matters which require consideration, in order to determine whether the proposal is acceptable overall, is whether the siting, scale and mass, design and appearance of the proposal is acceptable, particularly in the Conservation Area context. In addition, consideration will be given as to whether the proposal has any impact on surrounding residential amenity.

In considering the above matters, consideration will be given to the contents of policies DC1 and DC18.

Each of these matters will be addressed in turn.

#### Siting

The extension will be sited entirely at the rear of the property. There is no clear building line at the rear, due to a main part single part two storey projecting element (dining room and upper floor bedroom) leaving the rear walls of the kitchen and lounge recessed behind this element.

The proposal seeks to extend the kitchen area and upper floor bedroom into the recessed area with a part single part two storey extension.

The extension will maintain the existing gap between number 18 Old Broadway which is 6.4 metres to the shared boundary and 10.4 metres to the dwelling itself.

The position of the extension within this recessed area appears to be logical and means there is limited impact, as a result of the extension, when viewed from the front of the property and Old Broadway and maintains the relationship and the space between the adjacent dwellings.

### Scale and mass

The proposal will see the addition of a part single part two storey rear extension. As stated above, the extension will largely be sited within a 3 metre recess, at ground floor (forming the rear elevation of the existing kitchen and the side of the dining room) and a 1.5 metre gap at first floor with the upper floor bedrooms. The extension is therefore considered to be mainly an infill extension.

It is, however, recognised that the extension will project further than the recess.

From the existing rear kitchen wall a 4.8 metre part single part two extension will be erected, 3 metres of which will be at two storey with the remainder 1.8 metres will be single storey. There is an existing garage separating the dwelling from number 18 which will help obscure the view of the extension particularly at ground floor.

As stated above, it is considered that the extension is largely an infill addition and the projection from the existing main part single part two storey element is only 1.6 metres at first floor and 1.8 metres at ground floor. This totals 3.4 metres from the main rear element of the house and will give a staggered articulation reducing the massing and bulk of the extension particularly when viewed in the context of the original house.

By way of comparison, it should be noted that the Town and Country Planning (General Permitted Development) Order (Amendment) 2008 allows detached properties such as these to extend at the up to 4 metres in length, at single storey, without the benefit of planning permission. In addition, a two storey extension can be permitted with a rearward projection of up to 3 metres (provided there is 7 metres to the boundary of any curtilage) again without the benefit of planning permission. Whilst in both instances certain height and other restrictions apply, it is considered that in this instance the 3.65 metre projection stated within policy DC1.3 cannot be applied too rigorously in this case, particularly when the overall addition from the main part single part two storey element is only 3.4 metres.

Since the submission of the planning application, the applicant has made an amendment to the roof design of the extension. The original submission saw a pitched gable ended roof, however, they have now chosen to hip the roof to reflect the main part single part two storey central element. It is considered whilst this does

not alter the overall height of the extension, it does reduce some of the massing of the roof.

Overall, it is considered that the property and its curtilage is large enough to accommodate the size of extension proposed. The staggered articulation of single and two storey elements, plus the inclusion of the hipped roof, reduces the overall mass of the extension.

### Design and appearance

The design and appearance of the extension has been carefully considered. In particular, it is noted that the feature of extending the ground floor beyond the first floor, as is evident on the main rear part of the house, has been mirrored in this extension.

The amended plans also show a hip to the roof which reflects the plane of the main part of the rear of the house.

All the window openings and doors are of the same proportions and fenestrations as the original house and will be of timber construction. There will be accommodation in the roof space which will result in a modest flat roof dormer. Whilst this is a new design feature to the property, there are examples of this type of dormer in properties of this age. This addition will have a lead finish which is acceptable. It should be noted that the insertion of the dormer does not make this a three storey addition. The eaves height and overall roof height are as per the original dwelling which ensures a consistent appearance.

The materials chosen are also sympathetic to the original dwelling. The outer facing bricks are buff like the original property whilst those at the rear at pre war common. A rosemary roof tile will be used along with stonework and timber windows to match existing and this should be a condition of the approval.

Overall it is considered that the appearance and design is acceptable and preserves the original appearance of the property.

### Impact on the appearance of the Conservation Area

Policy DC18 of the UDP states that development proposals should preserve or enhance the appearance and character of Conservation Areas. This is reiterated within the Guide to Development in Manchester SPD.

Nowhere within the local or national level guidance does it states that there is a presumption against new development in Conservation Areas or restriction on allowing domestic extensions rather new developments should preserve or enhance the area.

The assertion of Old Broadway Residents Association that the Conservation guidelines for this area state that no major development is anticipated is unfounded. Domestic extensions such as this are not considered to be a 'major' development,

rather the guidelines seek to encourage developments which respect its special quality.

Indeed, the applicants planning consultant states that the historic asset of Old Broadway Conservation Area is not the design features of the rear of buildings, rather the aim of the designation is to ensure that the character and quality of the buildings and spaces between them are retained.

The proposal meets both that criteria as it does not encroach upon the space between the application property and its nearest dwelling at number 18 and the design and use of appropriate materials detailed above retains the characteristic feature of the rear i.e. the articulation and rhythm of the varying projections at the rear, the eaves and ridge height and roof pitches are all sympathetically integrated to the existing dwelling. Furthermore, the attention to the detail in terms of the window and door openings is welcome and in keeping with the original dwelling.

It is considered that the visual amenity and quality of the Conservation Area is preserved by this proposal. The design, scale and mass of the extension has been carefully considered. As such, it is considered that the extension complies with policy DC18 and PPS5.

#### Residential amenity

A decked area is proposed to be installed at the rear of the extension. This will project 1.8 metres into the garden and will be 0.8 metres in height. It will be no larger than the width of the extension. It is not considered that decked area will create any overlooking onto the adjacent property particularly given the distance to number 18, over 10 metres, and the modest height.

There has been a large number of objections and concerns expressed about this planning application by the residents of Old Broadway and the Residents Association.

A number of the residents on the south side of the road, have expressed concern that the addition will block their light. As outlined above, the space between the application site and the nearest dwelling, number 18, will be maintained. In addition, whilst the sun will move to the west in the afternoon, the fact that the first floor element only projects 1.6 metres from the main rear wall of the house will have limited impact on the amount of sunlight these properties will receive.

Concern has also been expressed about the loss of view across into this site from the rear gardens of the other properties on the south side of the road as well as from Old Broadway. The extension does not project at the side of the dwelling. As such, the view of the extension will only be seen from the road from an angle. Whilst residents on the south side of the road will have a view of the first floor (with the ground floor being obscured from view by the existing garage) this will be limited given the extent of its projection. A view over somebody else's property is also not a material planning consideration.



Whilst there will be some alteration to the alignment of this property, the extension will maintain the staggered articulation retaining the character of this property and the spaces between the dwellings. The overall size of the plot will mean that the proposal is not over development, particularly given a similar sized extension could have been achieved, at single storey, on the ground floor under permitted development.

In terms of this proposal setting a precedent, it should be noted that each planning application is considered on its merits. No property, and the way in which it relates to its surroundings, is ever the same.

In terms of the conversion of the property into flats or a house of multiple occupation, both of these developments currently require planning permission for which the proposal would be considered on its merits. In order to clarify this, it is recommended that a condition of the planning permission is that the property will remain in C3 use.

**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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation APPROVE**

The proposal seeks to extend 16 Old Broadway by erecting a part single part two storey rear extension. The siting, scale, design and appearance of the proposal is considered to be in keeping with the original property. In addition, the impact on the appearance of the Conservation Area will be limited due to the proposals preservation of the architectural style and use of sympathetic materials.

The proposal is therefore considered to comply with policies H2.2, DC1 and DC18 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007) and PPS5.

### Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawings 001, 002 and 003, stamped as received by the City Council, as Local Planning Authority, on the 17 May 2010.

Drawings 004 Rev A and 005 Rev A stamped as received by the City Council, as Local Planning Authority, on the 5 July 2010.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H2.2 and DC18; of the Manchester Unitary Development Plan.

2) The development hereby approved shall be carried out in accordance with the following materials:

Bricks:

Cheshire Pre War 73 mm

Ibstock Smooth Buff 73 mm

Roof tiles:

Rosemary tiles

Mortar:

Light grey

Stonework:

Brymas masonry: 2 course stooled cills and 3 course plain heads (colour calder)

The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Prior to the installation of the decked area hereby approved, details of the material to be used shall be submitted and approved in writing by the City Council, as Local Planning Authority. The decking shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, as specified in policies H2.2 and DC18; of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or

without modification) number 16 Old Broadway shall not be used for any other purpose other than a C3 'Dwelling House'.

Reason - To ensure that the property remain in occupancy as a single dwelling to maintain the character of the residential area, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (1995).

### **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: 093213/FH/2010/S2 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:**

Professor Sabine Flitsch \_ Professor Nicholas Turner , 35 Old Broadway ,  
Manchester , M20 3DH  
34 Old Broadway, Manchester, M20 3DF  
12 Old Broadway, Didsbury, Manchester, M20 3DF  
Old Broadway Residents' Residents' Association, 25 Old Broadway, Withington,  
Manchester, M20 3DH  
17 Westholme Road, Manchester, M20 3QZ  
19 Westholme Road, Manchester, M20 3QZ  
21 Westholme Road, Manchester, M20 3QZ  
23 Westholme Road, Manchester, M20 3QZ  
25 Westholme Road, Manchester, M20 3QZ  
27 Westholme Road, Manchester, M20 3QZ  
18 Old Broadway, Manchester, M20 3DF  
14 Old Broadway, Manchester, M20 3DF  
22 Old Broadway, Manchester, M20 3DF  
19 Old Broadway, Manchester, M20 3DH

### **Representations were received from the following third parties:**

25 Old Broadway, Manchester, M20 3DH  
36 Old Broadway, Manchester, M20 3DF  
7 Old Broadway, Manchester, M20 3DH  
26 Old Broadway, Manchester, M20 3DF  
29 Old Broadway, Manchester, M20 3DH  
34 Old Broadway, Manchester, M20 3DF  
12 Old Broadway, Didsbury, Manchester, M20 3DF  
Old Broadway Residents' Association, 25 Old Broadway, Manchester, M20 3DH  
18 Old Broadway, Manchester, M20 3DF  
14 Old Broadway, Manchester, M20 3DF  
22 Old Broadway, Manchester, M20 3DF

19 Old Broadway, Manchester, M20 3DH  
10 Old Broadway, Manchester, M20 3DF

**Relevant Contact Officer :** Jennifer Atkinson  
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**Email :** [j.atkinson@manchester.gov.uk](mailto:j.atkinson@manchester.gov.uk)