

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091067/FH/2009/S2	19th Aug 2009	22nd Oct 2009	Didsbury East Ward

**Proposal** Erection of single storey rear extension to form additional living accommodation

**Location** 10 Arthog Road, Didsbury, Manchester, M20 6HG,

**Applicant** Mr Mark Clark, 10 Arthog Road, Didsbury, Manchester, M20 6HG,

**Agent** Mr Stephen Valentine, Park Garages, 18 Agden Brow, Lymm, Cheshire, WA13 0UA

### **Description**

This application is being reported to the Planning and Highways Committee, as one of the applicants is an officer of the City Council.

The application site is a two storey semidetached dwelling house with front and rear garden. At the rear of the house is a single storey outrigger which is characteristic of this type of property and is present along the street scene.

Arthog Road is a residential street consisting of semi-detached properties similar in style and type to the application site. The street is within walking distance to Disbury District Centre where a variety of shops and other services are available.

This application is for the erection of a single storey rear extension to form additional living accommodation

### **Consultations**

Local Residents

One letter of objection has been received from the adjoining property, number 12 Arthog Road. The comments can be summarised as follows:

1. The proposal will have significant impact on the light and outlook from the rear living room window which has failed to be shown on the submitted plans;
2. The nature of the proposed roofline wall is going to be high where the window is and extend some considerable distance (in excess of 4 metres);
3. The proposal will have a feeling of being in a tunnel;
4. The foundations will run along her boundary and affect the roots of existing trees.

### **Issues**

#### **The Development Plan**

*North West of England Plan Regional Spatial Strategy (RSS) to 2021*

Outlines the strategic objectives for the North West Region until 2021. Policy DP1 outlines the key principles which underpins the RSS. Such principles includes:

- Promoting sustainable communities;
- Promote sustainable economic development;
- Manage travel demand, reduce the need to travel and increase accessibility;
- Promote environmental quality. .

*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 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.

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”

Principle

The application site is a residential property. This proposal seeks to extend the property at the rear to form additional living accommodation. Such a proposal is acceptable in principle.

However, matters which require consideration, as part of the assessment of this proposal, are whether the siting, scale, mass, design and appearance of the proposal is acceptable and whether there are any unacceptable harm to surrounding residential amenity. In considering the above matters, specific weight will be given to policy DC1 where necessary.

Siting

The extension will be situated at the rear of the existing property in between the outrigger and the shared boundary with number 12 Arthog Road.

The position of the extension appears to be a logical place to create additional living accommodation and whilst there will be an encroachment into the garden area, the land to the rear of the house is considered large enough to accommodate the extension and maintain adequate amenity space for the dwelling.

Scale and mass

The extension is single storey and measures 2.3 metres in height at eaves and 3.4 metres in overall height. The proposal has a rearward projection of 4.3 metres, 1.65 metres larger than the existing outrigger giving a staggered projection.

The rearward projection exceeds the parameters outlined within policy DC1.3 by 0.65 metres. Whilst the proposal would amount to a departure from this policy, it is considered that the height and length combined will not create a dominant or bulky structure, particularly given it only occupies half the width of the house.

As the proposal will be adjacent to the shared boundary with 12 Arthog Road it is considered that a proportion of the side elevation will be noticeable from their rear window, above the existing boundary fence.

However, it not considered that the extension will have an overbearing or overshadowing impact. The rear elevations of the application property and number 12 are largely in shade for the majority of the day due to their northwesterly orientations. In addition, whilst the proposal will be seen from the adjoining property, the incorporation of the lean to roof and the setting of the eaves at 2.3 metres reduce its impact.

The remainder of the garden area does experience a generous amount of sunlight during midday and afternoons which will not be affected by the extension.

#### Design and appearance

The proposed extension will be a brick structure with a glazing on the elevation facing number 8 Arthog Road and French doors into the garden. The roof will be a lean to design and will be tiled with a roof light inserted into the centre.

The design of the extension is a simplistic structure that has will blend successfully with the appearance of the original house.

The final materials have yet to be approved and it is recommended that this is a condition of the planning approval to ensure that the right combination is chosen

The proposal is considered to accord with policy DC1.1 of the UDP as the extension will enhance the character and appearance of the rear of the property through this modest addition.

#### Residential amenity

As the application site is a semi-detached property, as stated above the property that could be said to be most affected by the development is 12 Arthog Road. Indeed an objection has been received from this property on the grounds of loss of light and loos of outlook.

In order to determine the harm to number 12 Arthog Road, policy DC1.1 (b) requires consideration to be given to the effect of such development proposals on their amenity. The existing boundary fence will obscure, to some extent the extension. With the overbearing impact further reduce by the lean to roof and eaves height.

The objector at number 12 also considers that the proposal will create a tunnelling effect. To a certain extent, the semi-detached properties in the street scene already create a tunnelling effect due to their out riggers. There are other properties in the street scene that have the same relationship and planning permission has either been granted for extensions or properties have exercised their permitted development rights.

There would be no merit in reducing the length of the extension to that prescribed in policy 3.65 metres. This would not reduce the perception of the

'tunnel' or make any difference to the amount of light available. Indeed, number 12's own outrigger blocks light into their rear window, particularly in the afternoon when the sun is coming from the west.

Should the neighbour wish to pursue their 'right to light', then this would be a civil matter between the parties. A 'right to a view' over somebody else's property is not material to the consideration of this planning application.

The other non-adjacent property at number 8 Arthog Road should not experience any harm from the erection of this extension. There will be a gap of 3.85 metres between the extension and the shared boundary. In addition, this property will only see 0.65 metres of the proposed extension with the rest hidden behind the existing outrigger.

There will be double paneled window on the elevation facing number 8; however, it is not considered that this will cause overlooking.

The objector has also raised concern about the apple tree in the garden of 12 Arthog Road being affected by the proposal. If number 12 Arthog Road are concerned about the foundations of the extension affect their property, this would be a civil matter pursued between the parties under the Party Wall Act.

**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 approval 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 create a single storey extension at the rear. The design of the building is simplistic and is acceptable in terms of scale, mass and impact on residential amenity.**

**The proposal accords with the Council's UDP in particular policies H2.2 and DC1 and there are no material considerations of sufficient weight to indicate**

**otherwise.**

### **Conditions and/or Reasons**

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawing stamped as received by the City Council, as Local Planning Authority, on the 19th August 2009 and 4th September 2009

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

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development 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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

### **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: 091067/FH/2009/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:**

Arthog Road Residents Association  
11 Ladysmith Road, Manchester, M20 6HP  
9 Ladysmith Road, Manchester, M20 6HP  
11 Arthog Road, Manchester, M20 6HR  
9 Arthog Road, Manchester, M20 6HR

15 Arthog Road, Manchester, M20 6HR  
13 Arthog Road, Manchester, M20 6HR  
13 Ladysmith Road, Manchester, M20 6HP  
12 Arthog Road, Manchester, M20 6HG  
8 Arthog Road, Manchester, M20 6HG

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

Mrs E J Guy 12 Arthog Road c/o Mr A J Macfarlane 3 Dell Grove Surrey

**Relevant Contact Officer :** Jennifer Atkinson  
**Telephone number :** 0161 234 4517  
**Email :** j.atkinson@manchester.gov.uk