MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141658/FH/2024
Date registered valid:	3 December 2024
Proposal:	Erection of part two, part single storey side extension
Address:	61 Hemmons Road, Manchester, M12 5ST
Ward(s):	Levenshulme Ward
Applicant:	Mr S Amin
Agent (if any):	Mr Dean King, NK Architectural
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**27 January 2025**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 January 2025

Standard consultations:
Printed: 17 December 2024 Expired: 10 January 2025

Neighbour notifications
Printed: 17 December 2024 Expired: 10 January 2025

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: No

Tree Preservation Order: No

The application site relates to 61 Hemmons Road within the north Manchester ward of Levenshulme. The application site relates to a red brick, semi-detached, two storey dwellinghouse characterised by a hipped roof, red tile patterned gable and curved bay windows. The property sits on the corner of Hemmons Road and Ringwood Avenue. The site has an irregular plot due to its corner plot, with a pinch point to the rear of the applicant site. The property benefits from a historic white timber garage, and a historic single storey outrigger which has been infilled up to the shared boundary with the adjoining neighbour.

Description of area

The surrounding area is residential in nature, except for a small industrial area to the south of the applicant site, accessed from Hemmons Road.

Description of development

The submitted application seeks planning permission for the erection of part two, part single storey side extension.

The extension would be irregular in shape, to match the triangular shaped plot of the applicant site. The extension would leave a gap of 1 metre between the new built form and the shared boundary with no.2 Ringwood Avenue.

The part single storey side extension would create a new bedroom and en-suite. At the largest point, it would have a width of 7.5 metres and would align with the primary elevation of the host property and at the narrowest point 1.7 metres. The part single storey extension would have a flat roof and would be cranked at the point closest to the boundary with the non-adjoining neighbour, no.2 Ringwood Avenue.

The part two storey side extension would not cover the same floor space as the ground floor and have a width at the largest point restricted to 3 metres. The part two storey extension would also sit flush with the primary elevation of the applicant site. The form of the extension would again be cranked to reflect the constrained boundaries of the site. A further bedroom and en-suite would be created at first floor level.

The proposal would involve the insertion of three windows within the primary elevation of the host property, and two windows facing in the direction of the boundary with no.2 Ringwood Avenue.

Materials to be used would match those used within the host property.

Negotiations during the Course of the Application

During the course of the application, the agent was advised via email that the application gave rise to significant concerns and couldn't be supported by the LPA. A revised scheme was presented 1 day before the date of determination. No revised scheme was received in the timescales previously outlined to the agent and the assessment is made on the basis of the submitted scheme.

Planning History

No planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted and three neighbour objections were made during the course of the application. The following concerns were raised:
-The proposal would result in adverse loss of light implications to a neighbouring property. The existing garage within the applicant's side amenity space does not cause any loss of light implications given it is single storey.
-The neighbour should consider developing a two storey extension to the rear of the applicant site, rather than the side to minimise harm to the neighbouring property and keep development to the side of the property at single level only.
-Development across Hemmons Road is restricted to single storey at the site of the property where those properties are corner plots, like the applicant site.

Environmental Health

Environmental Health were consulted on the application and confirmed that they have no comments to make on the application.

Issues

POLICY

The National Planning Policy Framework (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 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):
a) an economic objective
b) a social objective and
c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:
i. Chapter 8. Promoting healthy and safe communities.
ii. Chapter 12. Achieving well-designed places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are Policy DM1 (Development Management), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

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 states that 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 original buildings);
b. They do not create 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 scene by virtue of design, use of materials or construction 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 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 (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).

DC1.4 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.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABE as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted application seeks planning permission for the erection of part two, part single storey side extension. Extending a residential property, via extensions including two storey side extensions in order to provide additional living accommodation is usually acceptable in principle. However, in these circumstances, the scheme is considered to constitute overdevelopment of the site, resulting in an overly large structure to the detriment of visual and residential amenity. The development is therefore not acceptable, as the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity and design and appearance. Neighbour objections have raised concern to the proposal both in terms of amenity and design and appearance.

No revised scheme was supplied in a timeframe previously set by the LPA and as such, the assessment is based on the drawings submitted 3 December 2024.

Visual/Residential Amenity

Due to the nature of the proposal being a two storey side extension, the adjoining neighbour no.63 Hemmons Road would not be impacted by the proposal. No.2 Ringwood Avenue shares a common boundary with the applicant site sitting to the north east of the applicant site and would be primarily affected by the proposal.

As existing, the two neighbours benefit from a shared boundary which runs diagonally from the pinch point of boundaries to the rear, opening up to the junction of Ringwood Avenue/ Hemmons Road. The applicant site benefits from a single storey garage to the side of the property and the neighbouring site benefits from a single storey side garage and outrigger to the rear, with a patio style outrigger to the side, looking in the direction of the applicant site.

The proposed extension at the closest point would be set 1 metre off the shared boundary. The neighbouring property would feel the side extension in close proximity to the shared boundary and at first floor level, would feel the 1.7 metre width extension close to the boundary, widening to 3 metres to reflect the cranked nature of the extension. This would result in an overbearing impact to the neighbour's amenity space behind their existing garage. It would result in loss of light to the neighbour's side windows especially the large window at ground floor level and patio style door, due to the orientation of the properties in the streetscene and the loss of light that would be experienced in the afternoon. This was also raised as a concern from the neighbour notification process.

Two windows would be inserted in the cranked element of the extension at both ground and first floor level. Whilst no.2 Ringwood Avenue is less likely to feel the full extent of the window at ground floor level due to the high boundary treatment separating the two properties, the en-suite window at first floor level would give rise to adverse amenity implications on the grounds of overlooking. It is acknowledged that the two windows would be conditioned as being obscure glazed if the application were to be approved. However, the windows would sit only 1 metre from the shared boundary and look into the direction of the neighbour's gable elevation with several windows and into the neighbour's front amenity space. Therefore, the windows would give the perception of overlooking to the detriment of residential amenity, contrary to Policy DC1 of the UDP and Core Strategy policies SP1 and DM1.

The proposal is also considered to give rise to an adverse visual impact to the streetscene and surrounding properties. The proposal would, at the largest point, have a width of 7.5 metres which would align with the primary elevation of the host property and at the narrowest point 1.7 metres. The part single storey extension would have a flat roof and be cranked at the point closest to the boundary with the non-adjoining neighbour, no.2 Ringwood Avenue. Given the proposal would encompass much of the side amenity space for the applicant site, it would result in the constrained rear amenity space left for the residents' use. The proposal running diagonally to reflect the constraints of the boundary would create an overly dominant and overbearing structure and would adversely impact the pattern of development in the immediate area. The proposal would be out of keeping. The two storey element due to its scale, massing and height would again create an overly large and dominant structure to the detriment of neighbouring properties. Therefore, the proposal would be contrary to Policy DC1 of the UDP and Core Strategy policies SP1 and DM1, on the grounds of visual amenity.

Design and Appearance

The proposal is considered to constitute over-development of the site, with a ground floor extension which cranks to reflect the boundaries of the site and extends 7.5 metres to the side of the existing gable elevation of the host property. Only 1 metre would remain between the proposal and the shared boundary with no.2 Ringwood Avenue and would feel imposing to the neighbouring property. Whilst the part two storey side extension is set in with a reduced width of 3 metres, the insertion of built form at first floor level creates an overbearing structure, exaggerated by its corner plot location.

Previous development to surrounding corner plots has been restricted to single storey which is considered appropriate given the constrained nature of such plots. The proposal would have an unduly harmful impact in relation to design and appearance, which is contrary to the City Council's Planning Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD, policy JP- S1 of Places for Everyone and the National Planning Policy Framework.

The 2no. en-suite windows would be inserted 1 metre from the shared boundary with no.2 Ringwood Avenue. The insertion of such windows in this location are considered to create a poor design feature and would not respond well to the existing development close to the site. Whilst the 2no. windows would be obscure glazed; they would give the perception of overlooking to the neighbour's existing gable windows and are therefore not acceptable. They would not positively enhance the property nor neighbouring relationship, contrary to Policy DC1 of the UDP.

Other Matters

During the course of the application, the agent was asked to clarify bin store arrangements as a result of the proposal and confirm off street parking arrangements and if they are to be affected as a result of the proposal. No response was received.

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 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 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 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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a proactive manner, but a revised scheme was not supplied to the LPA in a timely manner and so the application is therefore refused in a timely manner.

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

1) The proposed part two, part single storey side extension by reason of its form, scale, height and massing, in close proximity to the common boundary with the adjoining property no.2 Ringwood Avenue would create an overly large and bulky feature, and so would give rise to an overbearing feature and adverse loss of light implications to no.2 Ringwood Avenue. The insertion of the 2no. windows in the direction of no.2 Ringwood Avenue would give the perception of overlooking. As such, the proposal would adversely impact the detriment of the amenity that the neighbouring occupants could reasonably

expect to enjoy, contrary to the City Council's Planning Policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD, policy JP-S1 of Places for Everyone and the National Planning Policy Framework.

2) The proposed part two, part single storey side extension by reason of its scale, design, projection, massing and relationship to neighbouring property no.2 Ringwood Avenue forms an overly bulky and visually obtrusive feature, which is out of character with, and fails to contribute positively to, the local area. The proposal would remove the side amenity space, resulting in a lack of external amenity space. The insertion of 2no. windows within the side elevation facing no.2 Ringwood Avenue would result in a poor design feature exaggerated by the proximity to the common boundary with the neighbouring property. The proposal would therefore have an unduly harmful impact in relation to design and appearance, which is contrary to the City Council's Planning Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD, policy JP- S1 of Places for Everyone and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

4 Sutcliffe Avenue, Manchester, M12 5TN
62 Hemmons Road, Manchester, M12 5TW
6 Ringwood Avenue, Manchester, M12 5TP
10 Ringwood Avenue, Manchester, M12 5TP
1 Ringwood Avenue, Manchester, M12 5TP
59 Hemmons Road, Manchester, M12 5TW
8 Ringwood Avenue, Manchester, M12 5TP
56 Hemmons Road, Manchester, M12 5TW
63 Hemmons Road, Manchester, M12 5ST
7 Ringwood Avenue, Manchester, M12 5TP
5 Ringwood Avenue, Manchester, M12 5TP
3 Ringwood Avenue, Manchester, M12 5TP
2 Ringwood Avenue, Manchester, M12 5TP
60 Hemmons Road, Manchester, M12 5TW
4 Ringwood Avenue, Manchester, M12 5TP
2 Sutcliffe Avenue, Manchester, M12 5TN
58 Hemmons Road, Manchester, M12 5TW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA