MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140151/FO/2024
Date registered valid:	20 June 2024
Proposal:	Erection of a part single/part two storey rear extension.
Address:	471-473 Cheetham Hill Road, Manchester, M8 9LR
Ward(s):	Cheetham Ward
Applicant:	Chakunda Properties
Agent (if any):	Mr Muthahar Khan Studio Tashkeel Architecture
Case officer:	Ellie Knowles Tel: 0161 219 6633 Email: ellie.knowles@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	14 Aug 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 July 2024

Standard consultations:
Printed: 1 July 2024 Expired: 22 July 2024

Neighbour notifications
Printed: 1 July 2024 Expired: 22 July 2024

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/area

The application property relates to a mid-terraced, three storey property, situated on Cheetham Hill Road. The property fronts the back of the pavement.

The property comprises a ground floor retail unit in use as a general convenience store, with residential apartments above (existing use not specified on plans). To the rear is an original two storey outrigger with enclosed large yard area with brick and concrete walling. A single tree is located in this yard, which at present is acknowledged as being maintained in an unkempt state. The rear yard backs onto a gated alleyway with a singular gated access.

With the exception of the Cheetham Hill Road retail frontage, the immediate area is predominantly residential in character, mainly comprising two storey, terraced dwellinghouses. The application site is in close proximity (circa 100m) to the Cheetham Hill District Centre to the north.



137341/FO/2023

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Planning permission is sought for the erection of part two-storey, part single-storey rear extension to form ancillary space, as part an enlarged ground floor retail unit (Class E), as well as a reconfiguration of three self-contained apartments (Class C3) at first and second floor levels. The internal residential configuration would be as follows:

First floor

- Flat A – 2 bedroom/3 persons (61sqm)
- Flat B – 1 bedroom/2 persons (47sqm)

Second Floor

- Flat C – 2 bedroom/4 persons (65sqm)

The proposed extension at ground floor level would project 1m to the side and 5m to the rear from the existing outrigger. This element would accommodate a hipped roof 3.05m in ridge height with 2.55m eaves level.

The proposed extension at first floor level would project 3.55m to the rear from the existing outrigger and sit flush with the side elevations. This element would accommodate a hipped roof 6.75m in ridge height with 5m eaves level, set below the existing outrigger.

Consultations & Notification Responses

Local responses
None

Consultee responses

Highway Services
Environmental Health

Relevant Planning History

None

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

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

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

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.

The relevant **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
C 3 – North Manchester District Centres – Cheetham Hill and Harpurhey
T 1 – Sustainable Transport (partially superseded by PfE)
T 2 – Accessible areas of opportunity and need
T 3 – Strategic Integration
EN 1 – Design Principles and Strategic Character Areas
EN 9 – Green Infrastructure
EN 18 – Contaminated Land and Ground Stability
EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC1– Residential Extensions
DC5 – Flat Conversions
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

Issues

Principle of development:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 and states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to -date development plan, permission should not normally be granted.

In this case, it is believed that that proposed part single, part two storey rear extension would have a harmful impact to both residential and visual amenity. Principally, as a consequence of its position, size, bulk and mass, given its relationship with both neighbouring properties and the street-scene.

As such, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance. The issues are outlined further below

Impact on visual amenity and the streetscene:

Saved Policy DC1 of the Unitary Development Plan states that in determining planning applications for extensions to residential properties, the Council will, amongst other criteria, have regard to the general character of the property, the effect upon the amenity of neighbouring occupiers and the overall appearance of the proposal in the street-scene. Structures should be subservient to the original building, not be excessively large or bulky or project out too far in front of original buildings.

Policies DM1 and SP1 of the Core Strategy also indicate that consideration should be given to the effects of new development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing and materials.

The Council's policy is supported by the National Planning Policy Framework (NPPF).

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes onto state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

In this case and with reference to the policy and guidance outlined, it is the Council's view that given the relationship of the host property with neighbouring buildings and the street-scene, the proposed two storey rear extension lacks subservience and would be excessively large and bulky.

The proposed extension would occupy the entire rear yard and be viewed as a large expanse of

brick wall to Lewis Avenue, representing an undesirable, intrusive feature within the street-scene, which would be detrimental to the visual amenity of occupiers of surrounding properties. The side elevation of the proposed extension would project significantly beyond the predominant rear building line, with no gap between the rear yard and adjoining alleyway.

The infilling of the rear yard with a two-storey structure and with a street-facing, side elevation that does not incorporate any features, would present a double height brick wall to Lewis Avenue. Due to its size and excessive bulk, this would create a negative, unattractive and imposing feature, which would appear at odds with the street-scene and character of the area.

On this basis, it is considered that in terms of visual amenity, the proposed development does not represent a satisfactory design and would not be consistent with objective contained within saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy or guidance contained within the National Planning Policy Framework (NPPF).

Impact on residential amenity:

Saved policy DC1 of the UDP states that in the determination applications for extension to residential properties, regard should be had to the effect upon the amenity of neighbouring occupiers.

This is echoed by policies DM1 and SP1 of the Manchester Core Strategy which underlines the need to safeguard residential amenity.

In this case, due to the size, scale and mass of the proposed extension coupled with its orientation and close proximity with the adjoining dwellinghouse at No.90 Cobden Street, as well as to the rear facing property to the other side of the rear alleyway at No.71 Goodman Street, the proposed extension would be unduly oppressive and intrusive.

The proposed extension would consume the entire rear yard area and the whole footprint of the site. The extension would extend right up to the common boundary with No.90 Cobden Street dwellinghouse, with a rearward projection of approximately 5.3 metres.

The height and projection of the proposed extension would enclose the neighbouring property at No.90 Cobden Street along the yard boundary, would lead to overshadowing of neighbouring residential windows and due the extent and height of brickwork, would create a highly imposing and intrusive feature. This in turn would have a significantly harmful impact to the living conditions of these neighbouring occupiers due to over-dominance, as well as those further beyond to the east of the host terrace along Cobden Street, for which the extension would be highly visible.

In addition, due to the position of the proposed extension up to the rear boundary and the separation distance between the application property and No.71 Goodman Street, the proposed extension would be imposing and intrusive and lead to a potential loss of privacy.

The proposed extension would result in a gap of approximately 4.2 metres to the rear boundary with No.71 Goodman Street and approximately 7.7 metres between the existing first floor, rear window of No. 71 Goodman Street and that of the proposed first floor rear window. This lack of separation distance is substantially less than neighbouring properties and would lead to direct overlooking and a consequential loss of privacy to occupiers of No.71 Cobden Street. Coupled with the imposing nature of the extension due to scale and position, the proposed development would have a detrimental impact to residential amenity.

In light of the above, the proposed extension is considered contrary to saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy and the National Planning Policy Framework (NPPF).

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

469B Cheetham Hill Road, Manchester, M8 9LR
Flat 2, 473A Cheetham Hill Road, Manchester, M8 9LR
Flat 1, 473A Cheetham Hill Road, Manchester, M8 9LR
First Floor And Second Floor, 475 Cheetham Hill Road, Manchester, M8 9LE
Ground Floor, 475 Cheetham Hill Road, Manchester, M8 9LE
354 Waterloo Road, Cheetham, Manchester, M8 9AB
Ground Floor, 471 - 473 Cheetham Hill Road, Manchester, M8 9LR
356 Waterloo Road, Cheetham, Manchester, M8 9AB
475 Cheetham Hill Road, Manchester, M8 9LR
469 Cheetham Hill Road, Manchester, M8 9LR

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA