MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

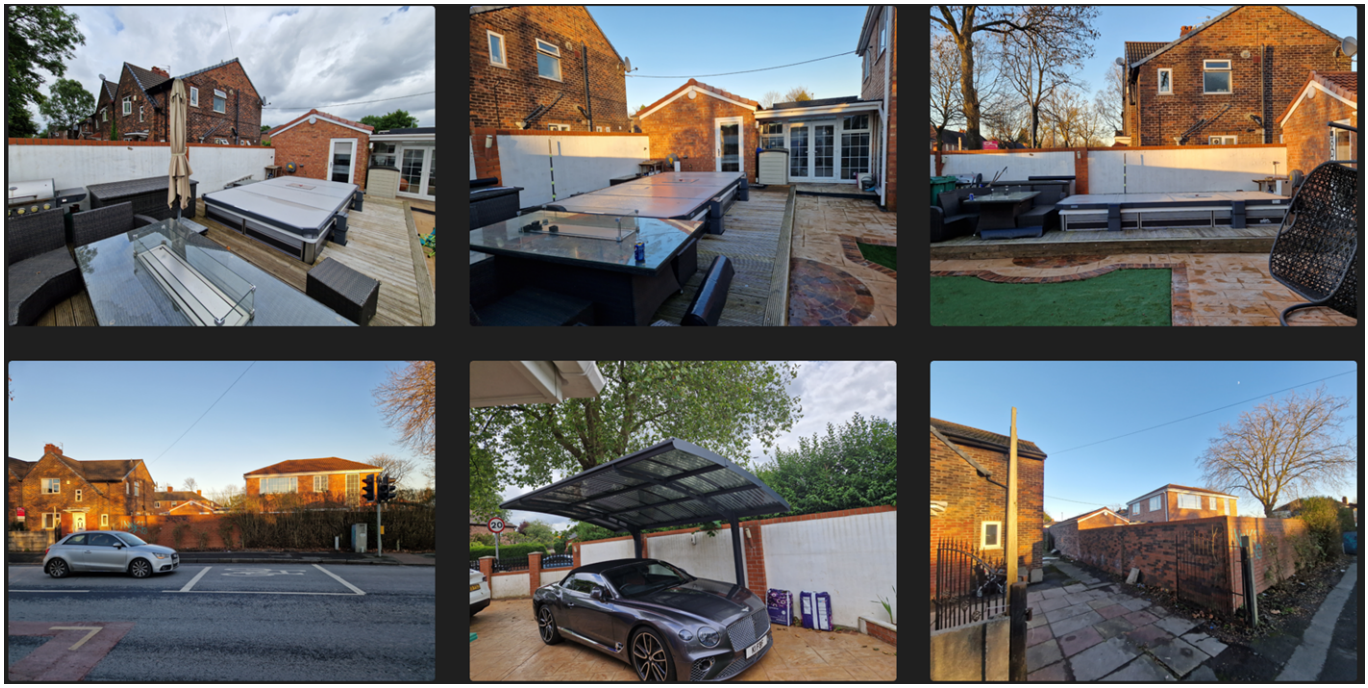
Application no.	140213/FH/2024
Date registered valid:	6 June 2024
Proposal:	Erection of extension to single storey outbuilding
Address:	72 Old Hall Lane, Manchester, M13 0UD
Ward(s):	Rusholme Ward
Applicant:	Mr Fahim Chowdhury
Agent (if any):	Mr Alun Jones, A.F Architectural Designs
Case officer:	Tracie Simpson Tel: 0161 234 4537 Email: tracie.simpson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**31st July 2024**



Application details
Type of application: Full Householder Application
Development type: Householder
Date of site visit: 2 July 2024
Standard consultations:
No consultations have been printed and sent.
Neighbour notifications
Printed: 17 June 2024 Expired: 8 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

The site/building relates to a two storey semi detached property in the Rusholme ward area of Manchester located in a prominent position on the corner of Old Hall Lane and Birchfields Road. The property faces in a southerly direction to the front, westerly to the side and northerly to the rear. The property features a two storey side and rear extension, link extension to outbuilding, rear sunken swimming pool, porch facing Birchfields road and canopy along the site boundary fronting Birchfields road. Off road car parking is available at the front and side of the property.



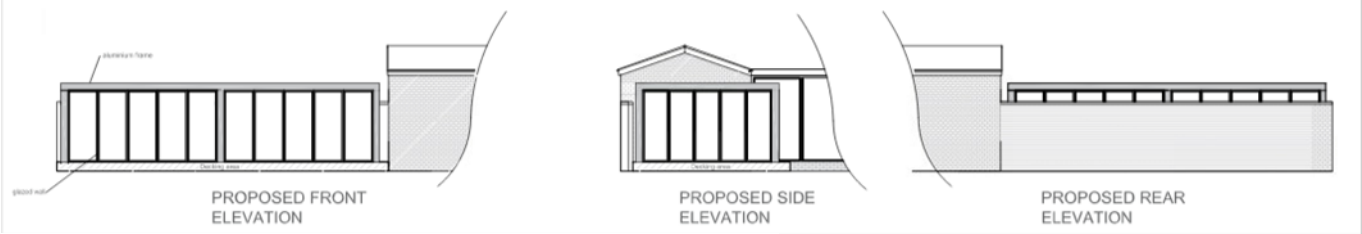
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature

Description of development

The applicant is seeking planning permission for the erection of extension to single storey outbuilding.







Consultations & Notification Responses

Local residents, as per Appendix 1 – one letter of objection has been received as a result of this proposal; summary of comments as follows:

- Had enough with all the extensions allowed, leaving our house with no privacy and lack of sunlight.

Councillor Akbar: requested information regarding the proposal and how the applicant could receive the planning permission required.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
o Policy DM 1 - Development Management
o Policy SP1 - Spatial Principles
o Policy EN1 - Design Principles
o Policy EN 19 - Waste Management
o The National Planning Policy Framework (NPPF)

Places for Everyone Plan (2022 - 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

JP-S1: Sustainable Development
JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider that this proposal does not accord with the principles of this policy.

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. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

Previous applications relating to 72 Old Hall Lane site as follows:

138566/FH/2023 - Application Withdrawn - 24.01.2024 - Extension to existing outbuilding

136636/FH/2023 - Application Approved - 25.05.2023 - Erection of single storey link extension between existing dwelling and outbuilding

112407/FH/2016/S1 - Application Approved - 02.08.2016 - Erection two-storey side and rear extension following demolition of single-storey rear extension

115802/FH/2017 - Application Approved - 11.08.2017 - Part retrospective installation of 1.40 metre high boundary wall with railings and gates to Old Hall Lane and 1.9 metre high boundary wall to Birchfields Road, amendments to previously approved windows and retrospective application for the erection of single storey outbuilding in rear garden.

113673/FH/2016 - Application Approved - 08.11.2016 - Erection of two-storey side and rear extension following demolition of single-storey rear extension and installation of 1.7 metre high gate to front of property

Plans considered

The plans considered as part of this proposal are as follows:

Received 6th June 2024 Existing and Proposed Plans and Elevations numbered Rev 02

Residential Amenity

The applicant is seeking planning permission for the erection of an extension to a single storey outbuilding. Concerns were raised by a local resident in relation to more extensions leading to lack of privacy and loss of light. The City Council raised concerns with the applicant/agent regarding the existing proposal and its impact upon the neighbouring and surrounding properties in the area. Unfortunately, a solution has not been reached. The applicant raised queries prior to submission with regards to the structure being temporary, however, the applicant/agent was advised that the key characteristic of non-permanent structures, is their mobility and lack of permanent fixtures as they offer flexibility and adaptability for various purposes and are easily moved around a site. Having looked at the current proposal, the positioning of the structure, footprint and siting have been taken into consideration along with other factors.

The structure would be positioned directly in front of the existing outbuilding located along the shared boundary with no. 135 Birchfields Road, sitting against the site boundary fronting Birchfields Road and a width beyond the side wall of the existing outbuilding. The height of the structure although would be lower than the existing ridge height of the outbuilding, would project above the existing boundary wall along the shared boundary with no. 135 Birchfields Road. The roof would be flat with glazed walls on all elevations. Given the proposals mass and bulk along the boundary and close relationship to the neighbouring property no. 135 Birchfields Road, it is considered that the proposal would provide an overbearing structure which would be out of character with the area and lead to the loss of residential amenity currently being enjoyed by the occupiers of adjoining properties and the surrounding area.

The site has undergone previous enlargements to the side and rear including joining together the rear of the property to an outbuilding using up much of the amenity space to the rear. However, although the applicant has installed a sunken swimming pool near the rear and side boundary which sits within a decking floor area, the City Council considered that the site still retained suitable amenity space for the existing and any future occupants,

In terms of the current scheme, the City Council considers that to cover the decking area and swimming pool, that the proposed size and layout of the structure would provide an incongruous feature which would be considered detrimental to the character of the surrounding area and furthermore would lead to inadequate amenity space retained within the rear resulting in overdevelopment of the site.

The location of the outbuilding on the rear and side boundary fronting the road, constitutes a form of development that is out of character with the pattern of development in the area, where there are no outbuildings forward of the building line along main frontages. As such, the proposal represents an uncharacteristic form of development that is at variance with the prevailing character of the area.

The proposal is therefore considered would conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed structure is believed to provide an overbearing impact upon the residential amenities of the adjoining properties and therefore, it is considered that the

proposal would provide an overbearing structure within the street scene which would be out of character with the surrounding properties in the area.

It is therefore considered that the scale and mass of the proposed structure is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure.

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Other matters

It is an important factor to consider all additions when assessing a proposal taking into considering any additions erected under permitted development or otherwise. It was noted during a site visit to the property that a large canopy had been recently erected along the site boundary and forward of the front elevation and although the applicant/agent was advised previously that planning permission would need to be applied for, there is no record to support this addition to the site.

Waste management

Storage of refuse bins are not affected by this proposal.

Parking

Parking is unaffected by this proposal.

Conclusion

It is considered that the proposal would provide visual harm to the occupiers of the adjoining properties by way of appearance, bulk and mass and if approved would provide an unacceptable loss of amenity space which would constitute overdevelopment of the site and which does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy.

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

Positive and proactive working - 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. Issues have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) The proposed development due to its poor design, scale and massing and relationship to the adjoining properties would form an unduly visually obtrusive feature to the detriment of visual amenity and character of the area, and would form an overly bulky, structure with an overbearing impact to the occupiers of surrounding properties and as such is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

2) The impact of the proposed outbuilding would result in the loss of useable amenity space to the original dwellinghouse. The proposal therefore represents an over development of the site to the detriment of the character and visual amenity of the area. The proposed development is therefore contrary to the provisions of saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

Appendix 1 – List of consultees & neighbours notified

74 Old Hall Lane, Rusholme, Manchester, M14 6HN
70 Old Hall Lane, Rusholme, Manchester, M13 0UD
60 Birchfields Road, Manchester, M13 0UB
48 Craston Road, Manchester, M13 0US
137 Birchfields Road, Manchester, M14 6PJ
62 Birchfields Road, Manchester, M14 6PH
135 Birchfields Road, Manchester, M13 0UE

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA