

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139875/FO/2024

Date registered valid: 20 May 2024

Proposal: Erection of single storey rear extension to HMO dwellings at 74-76 Old Hall Lane

Address: 74-76 Old Hall Lane, Manchester, M14 6HN

Ward(s): Rusholme Ward

Applicant: Mt Matt Austin Auskop Ltd

Agent (if any): Mr Ahmed Choudhry, Nada Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 July 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 27 June 2024

Standard consultations:

Printed: 12 June 2024 Expired: 3 July 2024

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is in a residential area situated adjacent to the on the north-west junction of Old Hall Lane and Birchfield Road. The adjacent junction is traffic light controlled. The application properties form a pair of semi-detached houses. The properties have front and rear gardens (the garden to No 74 is significantly large and demarcates the property from Birchfield Road. The surrounding area predominantly comprises two storey semi-detached houses (although Manchester Grammar School is located to the west of the site.

The application properties have two storeys composed in red brick with hipped pitched slate roofs. The principal elevations are partially recessed allowing the formation of centrally projecting element with a hipped pitched roof. The houses have a shared pedestrian access form Old Hall Lane. Separate vehicle access points and related dropped kerbs are located on Old Hall Lane. The properties are currently vacant but have respective lawful use as Class C4 houses in multiple occupation.



Fig.1 – Views of the application site from Birchfield Road



Fig.2 – Views of fencing erected to Old Hall Lane Boundary

Description of development

Construction work relating to the following planning permission have commenced:
139029/FO/2024 - Erection of a single storey rear extension to provide four additional bedrooms to existing Houses in Multiple Occupation (Approved 11 March 2024)

The proposed development would replicate the following details approved under planning permission ref:

- i. The retention of the properties as separate Class C4 small scale HMOs.
 - ii. The erection of a rear extension with a lean to roof spanning the full width of both properties. The extension would respond to changes in ground levels to produce a maximum height of 4 metres and rearward projection of 4.5 metres.
 - iii. Bedroom windows would be positioned in the northern and eastern elevations. Kitchen windows would be located in the respective western and eastern elevations.
 - iv. Resurfacing of the front garden area is proposed to allow the retention of an in curtilage car parking space to each property accessed via Old Hall Lane. A detached garage to No 754 would be retained. The front and rear garden boundaries would be demarcated by new fencing. Bin storage has been identified to each property.
- The proposed amendments involve:

- i. The repositioning of a ground floor window to the authorised extension (relating to bedroom 3 of No 74) from the side to the rear elevation. These amendments are illustrated in Fig.2 and Fig.3.
- ii. Reconfiguration of internal space to allow the formation of ensuite bathrooms.
- iii. Incorporation of a ground floor window to the west elevation of No 76 into the ensuite bathroom of bedroom 3.
- iv. Omission of rooflights to the rear roof plane of the ground floor extension.
- v. A central communal living dining and kitchen area would be formed to the ground floor of each property.

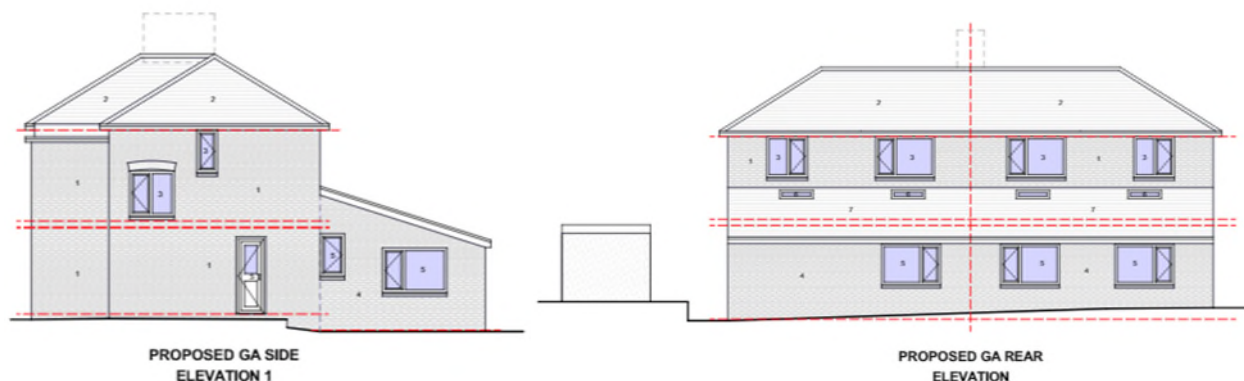


Fig.2 – Window positions approved under planning permission ref: 139029/FO/2024

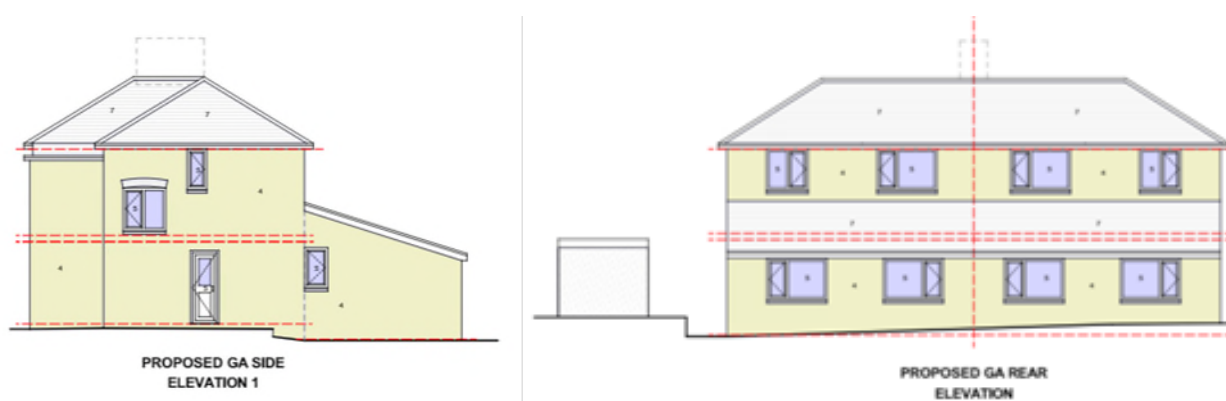


Fig.3 – Repositioned window considered under ref: 139875/FO/2024

Site history

- i. 139029/FO/2024 – Approved 11.03.24 74 & 76 Old Hall Lane M14 6HN
Erection of a single storey rear extension to provide four additional bedrooms to existing Houses in Multiple Occupation.
- ii. 137534/LE/2023 - Approved - 12.10.2023 76 Old Hall Lane, M14 6HN.
Use of property as small House in Multiple Occupation (Class C4).
- iii. 136647/LE/2023 - Approved - 21.06.2023 74 Old Hall Lane, M14 6HN.
Use of property as small House in Multiple Occupation (Class C4)
- iv. 130760/FO/2021 - Refused - 17.01.2022 74-76 Old Hall Lane, M14 6HN.
Erection of 4 no. dwellinghouses following demolition of existing properties
- v. 100458/FO/2012/S1 - Approved - 19.03.2013 74 - 76 Old Hall Lane, M14 6HN.
Erection of 3no. dwelling-houses (Class C3, 1no. detached, 2no. semi-detached) with associated landscaping and boundary treatment
- vi. 097371/FO/2011/S1 - Withdrawn - 08.03.2012 74 - 76 Old Hall Lane, M14 6HN.
Erection of one 3 storey detached dwellinghouse and two 4 storey semi-detached dwellinghouses following demolition of existing dwellinghouses

- vii. 049127/FH/CENTL2/96 - Approved - 01.02.1996 74, Old Hall Lane, M14 6HN
Two storey extension to side of dwellinghouse to form dining room and lounge with two bedrooms and WC over

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. It is noted that the car parking arrangements approved under ref: 139029/FO/2024 have been retained and access and egress would be via existing vehicle crossovers.
- ii. Confirmation of satisfactory cycle storage should be provided.
- iii. Waste management and collection arrangements are acceptable.
- iv. Any construction works that affect the highway should be agreed with the Council as local highways authority.

Environmental Health – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are considered to be relevant.

- i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The positioning of the windows to the rear elevation of the extension to No74 would be harmful to residential amenity. This aspect of the development would not accord with Chapter 6. The development, in all other respects (including the reconfiguration of the internal layout) would continue to be acceptable subject to obscure glazing to bathrooms.

ii. Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment.

With the exception of the repositioned window, the design of the proposed extensions would continue to be appropriately related to the style and character of the existing houses and their relationship to the surrounding context.

The Places for Everyone Plan – Is a Joint Development Plan Document and provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following policies are relevant:

i. JP- S1- Sustainable development

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. The previously considered aspects of the development continue to accord with the following components of the PPG:

- i. Consultation and pre-decision matters
- ii. Health and well-being.

However, it is considered the amendment would be harmful to residential amendment and point (ii) would therefore not be accorded with.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following aspects of the Core Strategy are considered to be relevant:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice through: the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents and responding to the diverse needs of all members of the community and the protection and enhancement of the built and natural environment;
- b. Minimises emissions, ensures efficient use of natural resources and reuses previously developed land wherever possible;
- c. Improves access to jobs, services, education and open space whilst reducing the need to travel and securing good access to sustainable transport provision.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester should meet high standards of urban design. Opportunities for good design, which enhance the overall image of the city should be fully realised.

The proposed ground floor window position to bedroom 3 (of No 74) would be unacceptable due to the identified harm residential amenity and would thereby fail to accord with policies SP1, EN1 and DM1. In all other respects the development would continue to be acceptable.

Policy EN19 Waste – Compliance with policy EN19 would be addressed through the approval of details through a condition attached to planning permission ref: 139029/FO/2024.

Policy H11 Houses in Multiple Occupation – The principle of HMO use has been lawfully established.

Unitary Development Plan - The following saved policy is considered to be relevant:

Policy DC1 - Residential Extensions - The development would continue to accord with condition DC1, in relation to the scale massing and siting of the proposed extensions. However, the repositioning of the ground floor windows to proposed bedroom No3 (to No 74) would be harmful the amenity of neighbouring occupiers, with regard to potential overlooking and loss of privacy.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes. Advice was issued during the consideration of planning application ref: 139029/FO/2024, which led to the repositioning of a window from the rear to the side elevation of the ground floor

extension to 76 Old Hall Lane. This amendment was required as a safeguard to residential amenity. The subsequent planning application (ref: 139875/FO/2024) was not supported with a satisfactory justification for the amendment. The applicant via the appointed agent was advised that the local planning authority continued to have concerns regarding the impact of the proposed ground floor rear window on residential amenity. Given these concerns that planning application was therefore not supported. The application was appropriately assessed with reference to the submitted details.

Principle of the development – Was established through planning permission ref: 139029/FO/2024. The siting and composition of the extensions, together with the future use of the enlarged properties, would be unchanged. These aspects of the development would be acceptable subject to the implementation of the development in accordance with the approved details and related conditions. The proposed reconfiguration of the internal space would also be appropriate.

However, the proposed repositioning of the specified bedroom window would result in an unsatisfactory relationship between existing and new habitable room windows, which would be harmful to residential amenity. The proposed window position was originally presented as part planning application ref: 139029/FO/2024. An amendment was secured and approved in response to the expressed concerns of the LPA. The reinstatement of this aspect of the development is therefore unacceptable.

Height, scale and massing – As stated, the development would continue be limited to a single storey with the impact of the height reduced by changing ground levels within the rear garden. Brickwork would be suitably articulated by the arrangement of windows. On balance, it is considered that the proposal would lead to the proportionate enlargement of the properties.

Siting – The suitability of the proposed siting of the development was dependent upon the arrangement of windows to the rear elevation of the extension to No 74. The proposed amendment would position a clearly glazed habitable room window within 8.1 metres of side elevation 60 Birchfields Road (which also incorporates clearly glazed windows at ground and first floor level). This would significantly affect the relationship between the two properties. There is potential for overlooking existing and proposed windows at ground floor level. Overlooking from etch existing first floor window may also occur to the proposed window. This loss of privacy would be particularly significant ad the proposed repositioned windows would relate to a bedroom. As the windows would relates to a bedroom, the inclusion of obscured glazing would not be an appropriate design response.

Design - The external envelope of the extended houses would be retained. In addition to concerns regarding residential amenity, it is considered that the previously approved bedroom windows position improved the relationship of the development to Birchfields Road and would aid natural surveillance.

Residential amenity – For the reasons outlined above, the proposed repositioning of the window would be harmful to residential amenity.

Obscured glazing – The reconfiguration of internal space would be acceptable subject to suitable obscured glazing to bathroom windows.

Highways issues – The previously approved car parking and pedestrian access arrangement would be maintained.

Electric vehicle charging points – Would not be required as there would be no change to the existing car parking arrangements.

Noise attenuation – This issue has been previously considered. It was concluded that the development relates to extensions to existing houses and there would be a minimal departure from the existing circumstances. Further acoustic attenuation was therefore not considered to be necessary.

Land conditions – Previously addressed through a watching brief condition.

Waste management strategy – The development has the capacity to deliver satisfactory waste and recycling storage and collection arrangements. Bin storage areas have been identified. Final details of these arrangements would be delivered by a condition relating to planning permission ref: 139029/FO/2024.

Boundary treatments – Details required by condition relating to planning permission ref: 139029/FO/2024 have not been discharged. The implemented boundary treatment to the perimeter of the site is not authorised. The applicant has been advised that the erected fencing is not supported, and a separate planning application should be pursued to deliver an appropriate boundary treatment.

Flood risk - The site is in Flood Zone 1 and the development would not present potential additional flooding or drainage risks.

Conclusion – The proposed amendment involving the repositioning of a ground floor window within bedroom 3 of the extension to 74 Old Hall Lane would be unacceptable due to the discussed potential harm to residential amenity.

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 policies 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

In this case, 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. Advice was issued during the consideration of planning application ref: 139029/FO/2024, which led to the repositioning of a window from the rear to the side elevation of the ground floor extension to 74 Old Hall Lane. This amendment was required as a safeguard to residential amenity. The subsequent planning application (ref: 139875/FO/2024) was not supported with a satisfactory justification for the amendment. The applicant via the appointed agent was advised that the local planning authority continued to have concerns regarding the impact of the proposed ground floor rear window on residential amenity. Given these concerns that planning application was therefore not supported. The application was appropriately assessed with reference to the submitted details.

Reasons for recommendation to refuse

1) The proposed repositioning of a window from the side (east) elevation to the rear (north) elevation of the ground floor extension to 74 Old Hall Lane, would significantly reduce the distance maintained between existing and proposed clearly glazed windows. The resulting potential for overlooking to and from existing and proposed windows and the associated loss of privacy would be unduly harm to residential amenity and be contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

76 Old Hall Lane, Manchester, M14 6HN
80 Old Hall Lane, Rusholme, Manchester, M14 6HN
72 Old Hall Lane, Rusholme, Manchester, M13 0UD
68 Old Hall Lane, Rusholme, Manchester, M13 0UD
93 Old Hall Lane, Rusholme, Manchester, M14 6HL
70 Old Hall Lane, Rusholme, Manchester, M13 0UD
139 Birchfields Road, Manchester, M14 6PJ
66 Birchfields Road, Manchester, M14 6PH
60 Birchfields Road, Manchester, M13 0UB
58 Birchfields Road, Manchester, M13 0UB
91 Old Hall Lane, Rusholme, Manchester, M13 0UJ
89 Old Hall Lane, Rusholme, Manchester, M13 0UJ
97 Old Hall Lane, Rusholme, Manchester, M14 6HL
95 Old Hall Lane, Rusholme, Manchester, M14 6HL
84 Old Hall Lane, Rusholme, Manchester, M14 6HN
82 Old Hall Lane, Rusholme, Manchester, M14 6HN
78 Old Hall Lane, Rusholme, Manchester, M14 6HN
66 Old Hall Lane, Rusholme, Manchester, M13 0UD
48 Craston Road, Manchester, M13 0US
137 Birchfields Road, Manchester, M14 6PJ
64 Birchfields Road, Manchester, M14 6PH
62 Birchfields Road, Manchester, M14 6PH

141 Birchfields Road, Manchester, M14 6PJ
28 Westray Road, Manchester, M13 0UF
15 Westray Road, Manchester, M13 0UF
13 Westray Road, Manchester, M13 0UF
135 Birchfields Road, Manchester, M13 0UE
133 Birchfields Road, Manchester, M13 0UE
46 Craston Road, Manchester, M13 0US
76 Old Hall Lane, Rusholme, Manchester, M14 6HN

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA