

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139669/FH/2024
Date registered valid: 23 May 2024
Proposal: Erection of single storey rear extension
Address: 43 Hathersage Road, Manchester, M13 0EJ
Ward(s): Ardwick Ward

Applicant: Mrs Fozia Ali
Agent (if any):
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 4 July 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 June 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 10 June 2024 Expired: 1 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 property is situated in a terrace comprising four houses incorporating ground floor bays and car parking in hard surfaced front garden with access and egress to and from Hathersage Road. To the rear the property has yard enclosed with brick walls. The surrounding area is predominantly residential, including purpose built student accommodation. The listed Victoria Baths is located on the opposite (northern) side of Hathersage Road. The application property is situated close the junction with Naburn Street. Access to the rear yard is via an ungated alleyway to the south of the site. The application property comprises of red brick elevations over two storeys. It has a pitched roof of grey slate with a bay feature incorporated into its principal plane. The application property is typical of housing in the immediate vicinity of the site.



Fig.1 – Views to the rear of the application site and relationship to neighbouring houses with rear extensions.



Fig.2 – Views from the alleyway to the south of the application site

Description of development

The proposed extension would extend across the full width of the rear elevation of the house. The main part of the extension would have a rearward projection of 3.5 metres and width of 3.4 metres. A second element of the extension adjoining the boundary wall with No 41 would be incorporated into the rear boundary wall. The configuration of the extension would allow the formation of a small amenity area accessed via a repositioned access gate. The extension would incorporate a lean-to roof with a maximum height of 3.6 metres and 2.4 metres at the lowest part of its eaves. Roof windows have been shown on the layout drawing but omitted from the elevation drawing. The development would facilitate the formation of an enlarged living room and kitchen with storeroom. The main rear elevation would be incorporated double patio doors and a single top opening window. A small window would be incorporated into the side elevation of the secondary part of the extension.

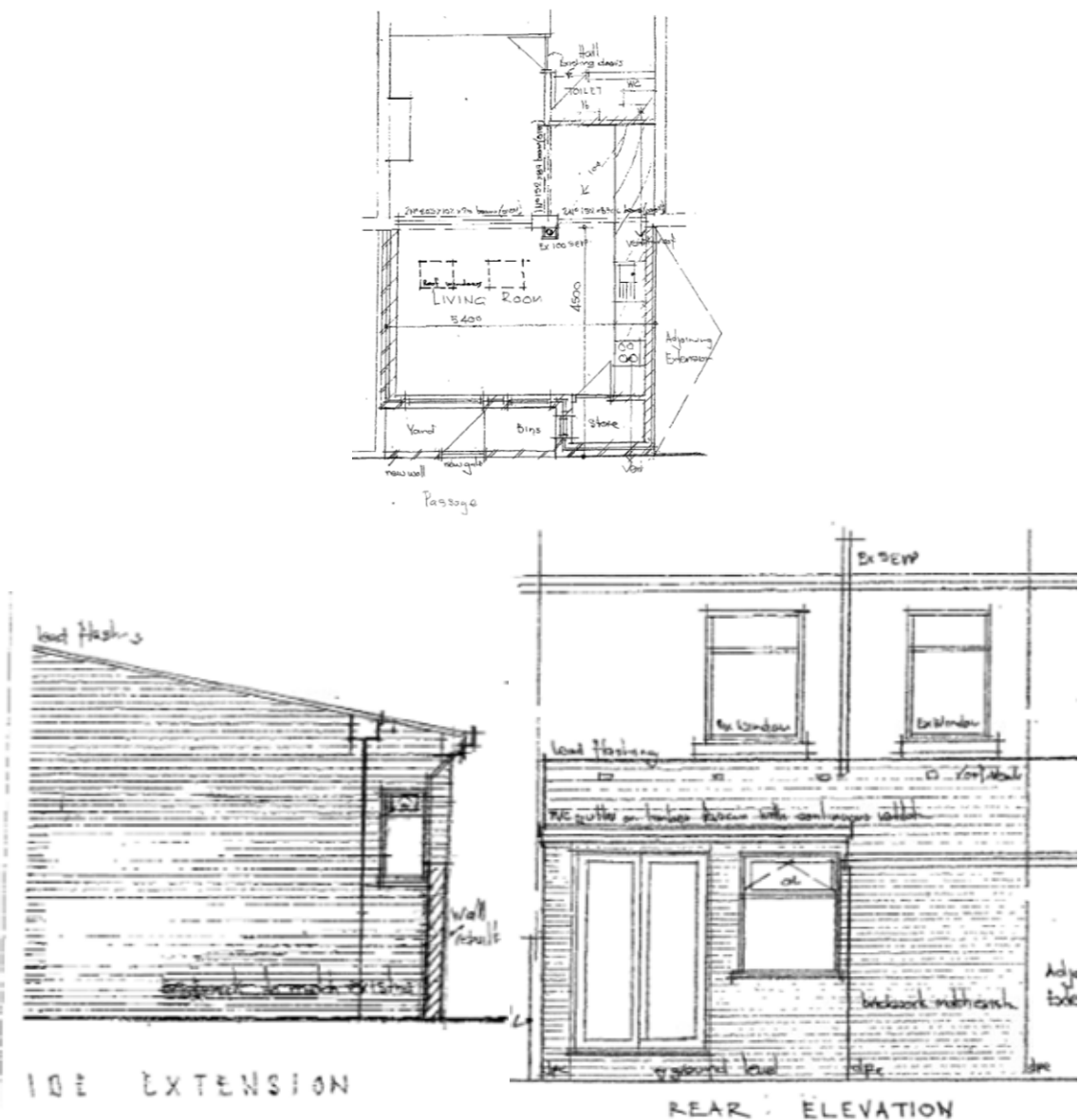


Fig.3 – Proposed layout and elevations.

Site history

No previous planning applications relating to the application site.

Consultations & Notification Responses

Local residents – 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 have been considered in relation to the current application. 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.

It is considered that the development would be positively related to these objectives.

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. It is considered that the development would respond positively to the above objective and the following aspects of the Framework.

- i. 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. In this case, it is not considered that an appropriate quality of design would be achieved. Furthermore, the development would be satisfactorily related to the existing house and its context. The development therefore not be satisfactorily related to Chapter 12.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG is relevant to key planning issues of significance to applicants and local authorities. The assessment of the proposed development has been related to the following aspects of the PPG:

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

It is not considered that the development accord with specified sections of the PPG, due to its disproportionate scale and site coverage, which would be harmful to the character and visual and residential amenities of the area.

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
- ii. JP- S2 - Carbon and energy.

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 policies are relevant to the proposed development:

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.

It is considered that the proposed development would not be appropriately related to the existing house and its context. The scale of the development would exceed the capacity of the site. Policy SP1 would therefore not be accorded with.

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. For the reasons outlined below, it is not considered that proposed design of the extension would be acceptable and satisfactorily related to policy EN1.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development) - The development would be constructed to contemporary buildings standards to achieve and reduction in carbon emissions. A suitable proposal would need to demonstrate that policy EN4 would be accorded with.

Policy EN 14 (Flood Risk) - Seeks to reduce the increased risk of flooding and to secure appropriate drainage. The site is located in Flood Zone 1 and it is not apparent that the development would increase the localised risk of flooding.

Policy EN18 (Contaminated Land and Ground Stability) - Requires that ground conditions that may be potentially harmful to public health and appropriate identified and remediated. In this case, no historic land conditions with a potential impact on new development have been identified.

Policy EN19 (Waste) - Requires that appropriate arrangement of the storage and collection of waste and recycling are provided. The submission has indicated a bin storage area in the retained amenity area. Notwithstanding the above the existing arrangements involve bin storage in the front garden and this arrangement is likely to be retained.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- o Effects on amenity;
- o Design for health.

It is considered that the development would unduly harm residential amenity through its failure to accord with neighbouring and existing built form. Policy DM1 would thereby be accorded with.

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 to 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. In this case officers, advised that applicant that the extension would be overly large and poorly related to the existing house and its context. Furthermore, as the development would not accord with Council policy, it would be necessary to refuse planning permission. The application was sufficiently detailed thereby allowing the proposal to be appropriately assessed.

Principle of the development – Whilst acknowledging that householders will seek to adapt accommodation to meet changing needs, any extension would need to be proportionate and appropriately related to the constraints of the site. In this case the development would result in excessive site coverage and be poorly related to neighbouring built form. It would also significantly reduce the amount usable amenity space. The development would thereby be harmful to residential amenity and the character of the area and contrary to related policy.

Use – Should a suitable proposal be brought forward; a condition could be included to ensure that the development is only used in conjunction with the occupation of the application property as a dwellinghouse (Class C3). A separate condition could also be included to prevent the future use of the property as a small scale HMO (Class C4).

Residential amenity – Given the density of development in the locality, it is considered that the maintenance of some usable space would be beneficial to residential amenity. It would also relieve the otherwise highly concentrated and oppressive siting of built form. The proposed development would be excessive and thereby fail to accord with these objectives.

Scale and massing- The height of the proposed extensions would be limited to single storey. However, the siting of the extension across the full width of the rear elevation and the extent of the overall site coverage would exacerbate the harm caused by development.

Siting – In reviewing extensions to comparable houses in the locality, it is noted that a clear section of yard space has been maintained adjacent to the respective side walls. This arrangement is important as it maintains a satisfactory amenity space and provides clear demarcation between properties. It also provides relief to what otherwise be the overly intensive and cramped arrangement of built form. As the proposed layout does not incorporate these characteristics, an unacceptable overdevelopment of the site would occur.

Design – The proposed use of matching materials and a sloping roof acknowledge the characteristics of the existing house. However, the scale and massing of the development would result in the formation of an unacceptable and disproportionately large addition to the house.

Land conditions – No historic land conditions have been identified.

Waste and recycling management – The submitted drawings identify a bin storage area in the retained section of the yard. Bin capacities have not been identified and sufficient space for bin storage demonstrated. Notwithstanding the details the submitted drawings, it would be reasonable expected that existing arrangements involving bin storage in the front garden would be maintained. Communal bins are also located in the alleyway to the south of the application. The allocation of these bins for use by specific houses is not apparent.

Conclusion - The development would not be satisfactorily related to the application property and its setting, including relationship to the neighbouring houses. The development is therefore considered to be unacceptable.

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

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. In this case officers, advised that applicant that the extension would be overly large and poorly related to the existing house and its context. Furthermore, as the development would not accord with Council policy, it would be necessary to refuse planning permission. The application was sufficiently detailed thereby allowing the proposal to be appropriately assessed.

Reasons for recommendation to refuse

1) The development comprising a ground floor rear extension, by virtue of its excessive rearward projection, site coverage and massing, would have a harmful and overbearing impact upon neighbouring houses and yard areas. The amount of proposed form within a tightly constrained site would also be incongruously related to the neighbouring and the character of the area. The proposed would thereby be unacceptable and contrary to Core Strategy policies SP1, EN1 and DM1, Unitary Development Planning saved policy DC1 and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

39 Hathersage Road, Manchester, M13 0EJ
2 Naburn Street, Manchester, M13 0FL
1 Olney Street, Manchester, M13 0EN
4 Naburn Street, Manchester, M13 0FL
1 Naburn Street, Manchester, M13 0FL
3 Olney Street, Manchester, M13 0EN
49 Hathersage Road, Manchester, M13 0EJ
47 Hathersage Road, Manchester, M13 0EJ
45 Hathersage Road, Manchester, M13 0EJ
41 Hathersage Road, Manchester, M13 0EJ

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA