

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139507/FH/2024
Date registered valid: 12 March 2024
Proposal: Replacement of self-contained apartment
Address: 11 Rose Cottage Road, Manchester, M14 6DJ
Ward(s): Old Moat Ward

Applicant: Asif Mohammed
Agent (if any): Mrs. Dila Gokalp, HOMZ UK
Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 7 May 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 10 April 2024

Standard consultations:

Printed: 21 March 2024 Expired: 13 April 2024

Neighbour notifications

Printed: 21 March 2024 Expired: 13 April 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 application property comprises a detached single storey property constructed in the rear Garden of 46 Brentbridge Road, a typical two-storey semi-detached dwelling. This host dwelling has been subdivided into three self-contained apartments (A, B and C).

Access to the self-contained unit (formerly known as flat D) is taken off Rose Cottage Road and one off-street parking space is afforded to the site frontage. This unit shares outdoor amenity space with the three flats within No.46. The application property is rendered with a tiled roof. Internally the unit comprises a kitchen/living room, bedroom and shower room, providing 26.9m² gross internal floor area.



Figure 1: The application property, No. 11 Rose Cottage Road.



Figure 2: The application property in relation to No. 46 Brentbridge Road adjacent.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in character, comprising semi-detached properties of a similar character, scale and form arranged in a grid street pattern.

It is acknowledged that there are a number of existing single storey rear outbuildings all of a similar scale evident within the immediate street scene, notably at Nos. 42, 44 and 52 Brentbridge Road and 43 Leighbrook Road. Notwithstanding this, a search of planning history records confirms that these examples remain ancillary to the host dwellinghouses.

Description of development

This application seeks consent to construct a replacement self-contained apartment and formalise the C3 use (granted through 129122/LE/2021) by creation of a separate curtilage.

The replacement self-contained apartment would measure 6m in width and run 7.9m in length, creating 26.9m² gross internal floor area. The proposal would accommodate a gable roof form with total ridge height of 4.5m. Internally the proposal would provide a kitchen/lounge, bedroom and shower room. Windows are proposed in the southern side (two obscure glazed) and eastern facing front elevations (one high-level circular, one single and one bay window) only. Two rooflights are to be inserted in the southern roof plane.

The property would be constructed in heritage blend brick and Marley modern roof tiles.

A 1.8m fence would be erected parallel to the southern side elevation of the new development, creating an enclosed amenity space (2m x 10m), which is separate from the shared garden space of No.46 Brentbridge Road.

Consultations & Notification Responses

Local responses

None

Consultee responses

Flood Risk Management – No comments received.

Relevant Planning History

At the application site –

129122/LE/2021 – Certificate of lawful existing use of rear detached garage as a self-contained apartment (C3) for a continuous period of 10 years. Granted 16.03.2021.

At 46 Brentbridge Road –

071167/FO/2004/S1 – Erection of a single storey rear extension to form enlarged flat and single storey side extension to form self-contained flat and erection of a front porch. Refused 07.05.2004, Allowed at Appeal 18.05.2005.

063943/FH/SOUTH1/02 – Single storey side and rear extension to form additional living accommodation. Refused 05.03.2002.

065978/LE/SOUTH1/02 – Certificate of lawful use: It is claimed that the property has been converted into 2 self-contained flats for a continuous period of more than 4 years. Granted 09.10.2002.

058078/FH/SOUTH1/99 – Two storey side extension to form playroom, utility and sitting room with bedroom and study. Reused 28.01.2000. Dismissed at Appeal 20.07.2000.

052273/FH/SOUTH2/97 – Two storey side extension to form sitting room/ laundry/ cloakroom/ playroom with bedroom/store/bathroom/study over. Refused 21.08.1997.

Enforcement cases –

ENF/14214/18 – Garage conversion into living accommodation. No control 24.03.2020.

ENF/11641/12 – Use of garage as a self-contained flat. No control 21.03.2016.

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.

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

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

SP1 – Spatial Principles

DM1 – Development Management

EN1 – Design Principles and Strategic Character Areas

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

DC 1.1 - 1.6 – Residential Extensions

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 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 4 – Decision-making
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

Issues

Principle of development:

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 lawful use as a self-contained apartment was granted in 2021, due to 10 years continuous use evidenced. Notwithstanding this, the principle of a larger replacement 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.

Impact on visual amenity and the streetscene:

The proposed development would constitute as a replacement self-contained apartment, proposing an enlarged footprint by 12.4m², new walling and roofing materials, fenestration and raised roof height by 0.5m.

A new 1.8m fence would be erected adjacent to the southern side of the development, retaining 2m amenity space to the side for future occupants. This division of the existing site would separate this detached unit from the shared rear amenity space of the three self-contained units present within the original dwellinghouse no.46 Brentbridge Road.

Elevational alterations include the use of brickwork and new Marley modern rooftiles tiles with the addition of two rooflights in the southern roof plane. Two obscure windows are proposed to the southern side elevation facing no.46 and the new 1.8m boundary fencing. Within the eastern front elevation, a new relocated front door is proposed, as well as a new high level circular window alongside one singular window and one bay window.

The design and scale of the proposal is considered out of character in relation to the character of the immediate streetscene. Whilst it is recognised that a number of adjacent properties afford single storey ancillary outbuildings to the rear, these examples are all of a similar scale, including the existing structure present at the application site, no.11 Rose Cottage Road which was formally constructed as a garage ancillary to No.46 (source ref: 129122/LE/2021 officer report). As such, these existing examples are considered to be of an appropriate design and scale which is normally expected of such a structure in the setting of a domestic garden (i.e. garage/ store/ shed). Whereas the proposal would be a clear departure from this prevailing grain of development, increasing in height and footprint, formalising the structure into a design and scale more akin to that of a small dwellinghouse. Furthermore, the raised roof height would create a stark expanse of brickwork below the circular window, which would further exacerbate design concerns and bring greater visual attention to the development which is highly visible from public vantage points. As such, this enlarged development would create an incongruous form of development, which would be at odds with the existing character of the streetscene.

It is therefore considered that the design, scale and appearance of the proposed development does not accord with saved UDP policy DC1 and Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Impact on residential amenity:

Proposed development and alterations

The applicant is seeking consent for a replacement self-contained unit. Annotation of the replacement property shows one bedroom, a shower room and a Kitchen/living area, with a total gross internal floor area of 39.3m². Access can be achieved via Rose Cottage Road, as existing.

The structure would measure approximately 6m in width and 7.9m in length along the shared boundaries with no. 77 Victoria Road and 48 Brentbridge Road. The dwelling would accommodate a gable roof 4.5m in total ridge height, 0.5m increase over the existing structure. Given the proposals mass and bulk along the boundary and close relationship to the neighbouring properties either side, it is considered that the proposal would provide an overbearing structure which would be out of character with the immediate area and lead to the loss of residential amenity currently being enjoyed by the occupiers of adjoining properties.

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.

Standard of accommodation

The proposed development would create a gross internal floor area of 39.3m². The Manchester Residential Quality Guidance sets out Manchester's Emerging Space Standards which provides the recommended minimum gross internal floor area of new dwellings and conversions at a defined level of occupancy. This is an adopted document which is a material planning consideration. The requirements for a one storey, one bedroom, two persons planning unit is 50m².

The current C3 planning use was granted through the Certificate of lawful existing use ref: 129122/LE/2021, this assessment was made under permitted development legislation and solely on the basis of sufficient evidence provided of a continuous four-year use. This however does not take into consideration residential amenity.

As such, the proposed development falls below the space standards required to meet new suitable accommodation. This in turn clearly evidences over intensive use and overdevelopment of the application property.

On this basis, the proposed development is considered to have a significantly harmful impact to the living conditions of future occupiers, contrary to the aforementioned policy and guidance.

Highways:

The singular off-street parking space to the front of the self-contained unit would be lost due to the increased footprint of the development. Therefore, this parking space would be displaced to on street parking on Rose Cottage Road, this is considered acceptable on balance, given the prevalence of on existing street parking in this vicinity.

Waste:

The applicant/agent has not provided bin storage details of the new location in relation to this proposal.

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns cannot be overcome, given that the principle of development is unacceptable. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. Amenity

The proposed development due to its poor design, scale, massing and relationship to the adjoining properties would form an unduly visually obtrusive and incongruous 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.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

77 Victoria Road, Old Moat, Manchester, M14 6BP
75 Victoria Road, Old Moat, Manchester, M14 6BW
79 Victoria Road, Old Moat, Manchester, M14 6BP
Flat B, 46 Brentbridge Road, Manchester, M14 6AT
Flat C, 46 Brentbridge Road, Manchester, M14 6AT
Flat A, 46 Brentbridge Road, Manchester, M14 6AT
48 Brentbridge Road, Manchester, M14 6AT
44 Brentbridge Road, Manchester, M14 6AS

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA