

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137686/FH/2023

Date registered valid: 4 August 2023

Proposal: Part-retrospective application for the erection of a single storey side extension to form additional living accommodation.

Address: 128 Ladybarn Lane, Manchester, M14 6YH

Ward(s): Withington Ward

Applicant: Mr Khalid Din

Agent (if any): Farhan Rama Archirama Ltd

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 September 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 August 2023

Standard consultations: Printed: 14 August 2023 Expired: 4 September 2023

Neighbour notifications: Printed: 14 August 2023 Expired: 4 September 2023

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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey end-terraced C3 dwellinghouse of redbrick with a grey tile dual pitch roof. The property features white uPVC windows, including a ground-floor bay to the front, a two-storey rear outrigger, a single-storey rear extension and a small rear garden / yard.



Figure 1. Principal elevation.



Figure 2. View of front and side of property.



Figure 3. View of rear and side of property.

Description of area

Ladybarn Lane is a residential street situated within the Withington ward of Manchester, close to Ladybarn Community Hub, Kingswood Park, and Withington Bowling Club. The area is predominantly residential in terms of its character, consisting of terraced and semi-detached residential properties, and benefits from its proximity to public outdoor amenity and green spaces. The area is popular for student accommodation due to its close proximity to Fallowfield and the bus routes along Wilmslow Road serving the main University Campuses.

Description of development

The applicant has submitted a part-retrospective application for the erection of a single storey side extension to form additional living accommodation. It has been confirmed that the property is a long standing HMO predating the introduction of the Article 4 direction. At the time of the site photos being taken works to install the side extension had commenced has had works to install a rear dormer roof extension which the agent has subsequently confirmed is being constructed utilising the properties permitted development rights.

Planning History

053061/FU/SOUTH1/97 - Change of use of shop to residential accommodation – **APPROVED** (03.12.1997).

Consultations & Notification Responses

Two letters of objection were received from two local residents in response to this application. Their concerns are summarised as follows:

- Concerns relating to the intensification of use of the property, with the potential to increase the property's current occupancy.
- Concerns relating to C4 use of property.
- Issues associated with anti-social behaviour, noise pollution, waste, etc.
- Concerns relating to the installation of a rear dormer extension.
- The rear dormer extension would be out of character with the surrounding properties and would be out of proportion to the host dwellinghouse.
- Concerns relating to the retrospective nature of the application.
- The side extension would reduce the pavement width.

One ward member originally raised a concern in response to this application, however made further comments on the understanding that a condition restricting the use of the extension would be attached to the decision notice.

Flood Risk Management – no comments or objections received.

Policies

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

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 – Waste
- Policy H11 – HMOs

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Policies SP1 and DM1 of the Manchester 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 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 which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle – 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 the area.

In this instance, the principle of the proposal is considered acceptable as the application site operates as a lawful HMO (with a known C4 use since 2006, which predates the article 4 direction enacted by the Council in 2010) and given that the proposed extension would not in itself increase its occupancy, nor are there factors of sufficient weight in terms of amenity that would warrant the refusal of the application.

Siting, scale, and massing – the single storey extension would be sited at the side of the property, running along its southern edge, and would enlarge the current dimensions of the property’s lounge / dining area as well as providing a ground-floor bathroom. It would project 1.8m sideways, with a total length / depth of 11.859m, mono pitch roof height of 3.459m, and an eaves height of 1.955m. As such, the extension would be set back from the front of the property by 0.241m and would sit flush with the rear elevation of the two-storey rear outrigger.

The overall dimensions of the extension are considered acceptable as they are understood to be subservient to those of the host dwellinghouse and would not result in an ‘excessively large

or bulky addition' to the property, thereby according with policy DC1 of the UDP and policies SP1 and DM1 of the Core Strategy.

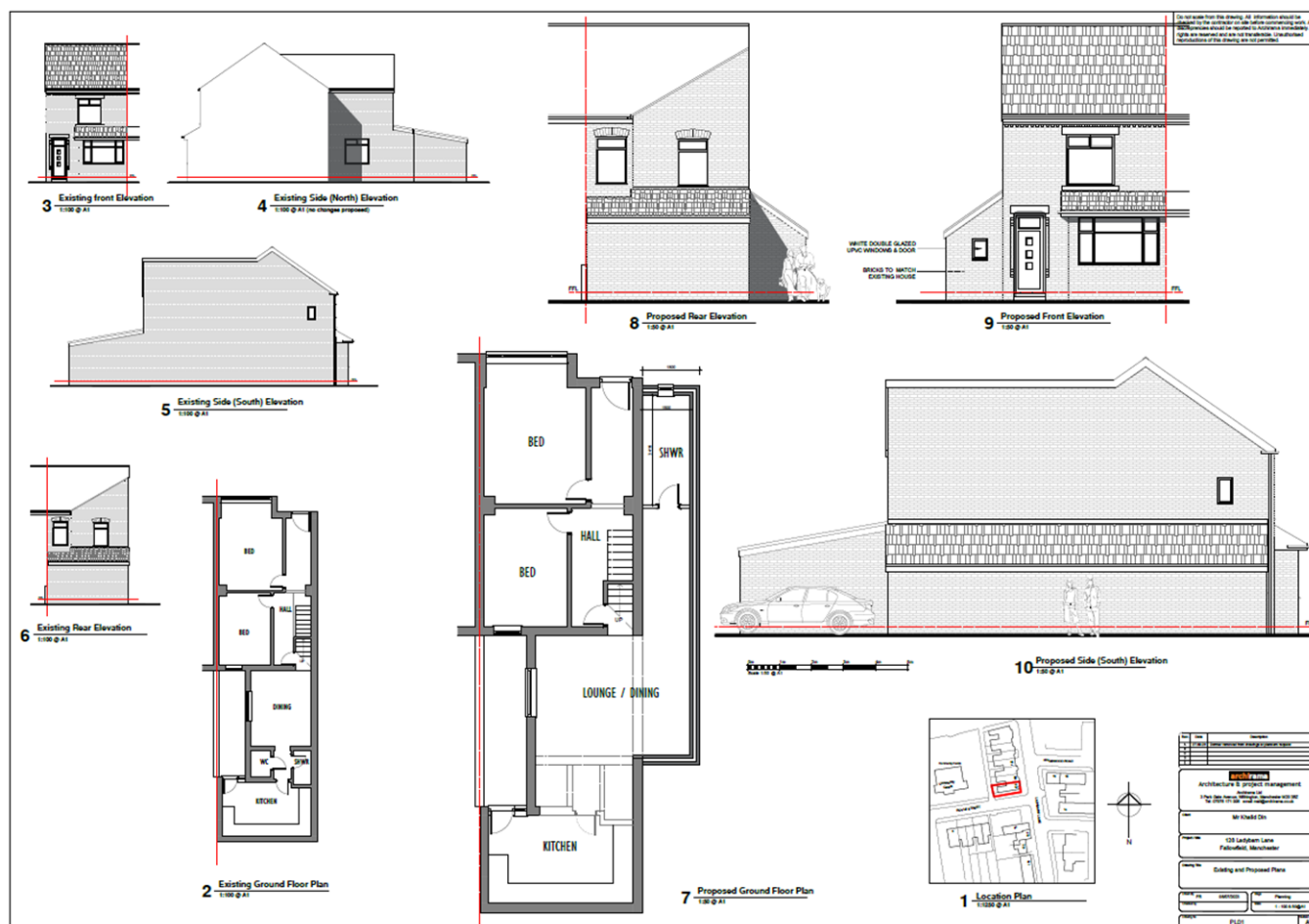


Figure 4. Submitted existing and proposed plans and elevations.

Appearance and visual amenity – the extension would be built of brickwork to match the existing in addition to grey concrete slates for the roof, and white uPVC windows. Its front elevation would feature one window, whilst its side and rear elevations would be blank and featureless.

The proposal is relatively standard in terms of its design and scale for developments of this type and would be in-keeping with the existing precedent of residential extensions in this locale. Its use of matching and subservient materials should also provide a blended appearance with the host dwellinghouse, ensuring that the development does not form a prominent visual feature within the street scene or public realm. Hence, the overall character of the property and its surrounding area should not be significantly harmed by these works.

The design and appearance of the proposed developments therefore accords with Core Strategy policies DM1 and SP1 as well as chapter 12 of the NPPF as their impact upon visual amenity is considered to be minor.

Residential amenity – given that the extension would be single-storey, sited to the south of the host dwellinghouse, with a maximum roof height of 3.459m, it is believed that the proposal should not cause issues associated with overshadowing, loss of light, or loss of outlook, nor would it introduce an overbearing presence into the area. Moreover, its blank side elevation and siting on an end-terraced property, should ensure that the privacy of neighbouring occupants is not compromised.

The proposal therefore accords with Core Strategy policies DM1 and SP1 due to its minimal impact upon residential amenity.

Waste storage – the current waste storage arrangements would be unaffected by this proposal.

Parking – the current parking arrangements would be unaffected by this proposal.

Flood Risk – the application site lies within Flood Zones 2 and 3, however the proposed extension would be sited within Flood Zone 2 only.

No comments or objections were received from the Flood Risk Management team.

The submitted plans and supporting information indicate that the floor level of the proposed extension is to be consistent with the existing floor level of the host dwellinghouse. Moreover, the proposed extension would not affect the existing access / egress points of the property, thus ensuring the retention of adequate emergency evacuation routes in the event of a flood.

The proposal is therefore understood as complying with the Government's standing advice and policy EN14 of the Core Strategy.

Other matters – in their objection letters, local residents raised concerns relating to the property's use as an HMO, and the extension's potential to result in an intensification of this usage.

However, it should be noted that the property's C4 use is considered lawful as it predates the article 4 direction enacted by the Council in 2010. The proposed extension would enlarge the current dimensions of the existing dining / lounge area as well as providing a ground-floor bathroom. This would therefore improve the standards of living experienced by those currently occupying the property and would not in itself give rise to an increase in occupancy or intensification of use. A condition has also been attached to the decision notice restricting the use of the proposed extension to those annotated on the approved plans only. The proposal is therefore considered acceptable in this regard.

Concerns were also raised in relation to the extension's potential to exacerbate existing issues associated with anti-social behaviour, noise pollution, and waste. However, it is not considered that the proposal would give rise to these issues, as a C4 property it could be lived in by up to 6 occupiers and as such which it is noted that there can be issues around anti-social behaviour arising from transient occupiers this is not in itself considered to be so significant to warrant refusal of this application.

Concerns were also raised in relation to a rear dormer being installed at the application site. The agent was contacted regarding this and confirmed that the rear dormer was being erected under permitted development rights. As such, it has not been included within this application or assessed within this report.

Concerns were also raised in relation to the extension's potential to reduce the pavement located adjacent to the property. However, the proposed extension would be sited within the confines of the application site's curtilage and, as such, would not encroach onto public rights of way. The proposal is therefore considered acceptable in this regard.

Conclusion – given the above issues, it is considered that the proposal is acceptable in terms of its principle, siting, scale and massing, appearance and impact upon visual and residential amenity, waste storage and parking as it broadly complies with policy DC1 of the UDP, policies DM1, SP1, EN1 and EN19 of the Core Strategy and chapter 12 of the 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 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: Approve

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. Issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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

1) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents:

-‘Existing and Proposed Plans’, numbered ‘PL01 REV A’, stamped as received by the City Council as Local Planning Authority on the 27th September 2023.

-‘Householder and other minor extensions in Flood Zones 2 and 3’, stamped as received by the City Council as Local Planning Authority on the 4th August 2023.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the extension hereby permitted shall match those specified on the submitted application form and approved plans, including brickwork to match the existing.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The extension as shown on drawing ‘PL01 REV A’, stamped as received by the City Council as Local Planning Authority on the 27th September 2023, shall not be converted or subdivided to form additional bedrooms at the property.

Reason – To ensure the use of the extension does not result in an increased occupancy or intensification of use of the application site. In the interest of residential amenity, in accordance with policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

Ladybarn Community Centre, Royle Street, Manchester, M14 6RN
126 Ladybarn Lane, Manchester, M14 6YH
16 Royle Street, Manchester, M14 6RN
14 Royle Street, Manchester, M14 6RN

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