

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138721/FH/2023
Date registered valid: 4 December 2023
Proposal: Erection of single storey rear extension to provide additional living accommodation.
Address: 4 Wellington Road, Old Moat, Manchester, M14 6EQ
Ward(s): Fallowfield Ward

Applicant: James Henry Studentshack Limited
Agent (if any): Stephen Lamb Steve Lamb
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 18 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13 December 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 8 December 2023 Expired: 29 December 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 semi-detached C3 dwellinghouse of redbrick with a red concrete tile hipped roof. The property features white uPVC windows, including a two-storey bay to the front (with gable end detailing) and a ground floor bay to the rear, a modest front garden bordered by a mid-level redbrick wall, a tarmac driveway, a single storey rear outrigger, and a modest rear garden.



Figure 1. Principal elevation.



Figure 2. Rear view.



Figure 3. Rear garden.



Figure 4. Shared boundary with No.6 Wellington Road.



Figure 5. Extract from Google Earth, showing application property.



Figure 6. Extract from Google Earth, showing application property.

Description of area

Wellington Road is a residential street situated within the Fallowfield ward of Manchester, close to Wilbraham Road (A6010), Wellington Road Allotments, and Platt Fields Park. 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.

Description of development

The applicant is seeking permission for the erection of single storey rear extension to provide additional living accommodation.

Relevant planning history

No.2 Wellington Road (adjoining property)

F02362 - Kitchen extension rear of house – **PERMITTED DEVELOPMENT** (06.03.1975).

ENF/15582/23 - Deemed application following ground (a) appeal against Enforcement Notice served under reference ENF/15582/23 for the erection of a single storey rear extension (appeal ref APP/B4215/C/23/3331153) - **PCO**

Consultations & Notification Responses

Seven letters of objection were received in response to this application. Their concerns are summarised as follows:

- Concerns relating to the property being used as an Airbnb or HMO.
- Concerns relating to antisocial behaviour, parking, highway safety, and waste and vermin issues associated with the property's potential use as an Airbnb or HMO.
- The extension and its impacts would detrimentally affect the quality of life of neighbouring residents.
- The extension would be detrimental to the local neighbourhood as it would allow the owner to increase the number of occupants at the property.
- The proposal would reduce the availability of family dwellinghouses in this area.
- The extension would be overbearing.
- Concerns relating to the proposal's adherence to the 45-degree rule.
- Loss of privacy.
- The extension would be excessive in terms of its scale, representing an unduly dominant addition to the property which would fail to respect the scale and character of the surrounding residential properties.
- The proposal would not be in-keeping with the surrounding area.
- The extension would limit the outlook of neighbouring residents.

Policies

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

The Town and Country Planning (Development Management Procedure) (England) Order 2015

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

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

Guide to Development in Manchester – Supplementary Planning Document and Planning Guidance, adopted April 2007:

- Chapter 7 – Housing Density and Mix

The Places for Everyone Plan is a Joint Development Plan Document, providing 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 to the Plan. The Examination of the 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 are 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.



Figure 7. Submitted existing plans and elevations, numbered F05/JH/01.

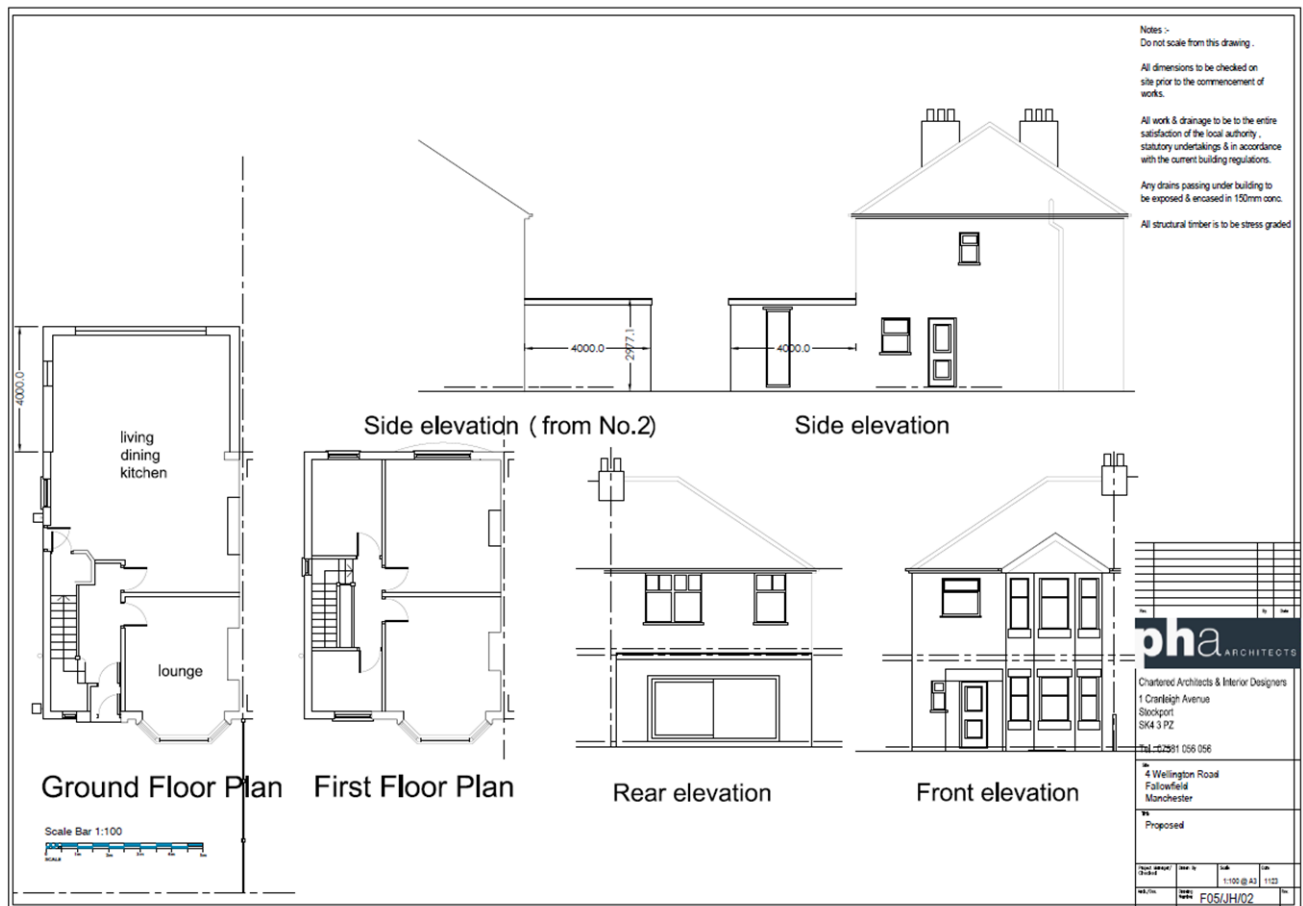


Figure 8. Submitted proposed plans and elevations, numbered F05/JH/02.



Figure 9. Submitted existing location plan and site plan, numbered F05/JH/04.

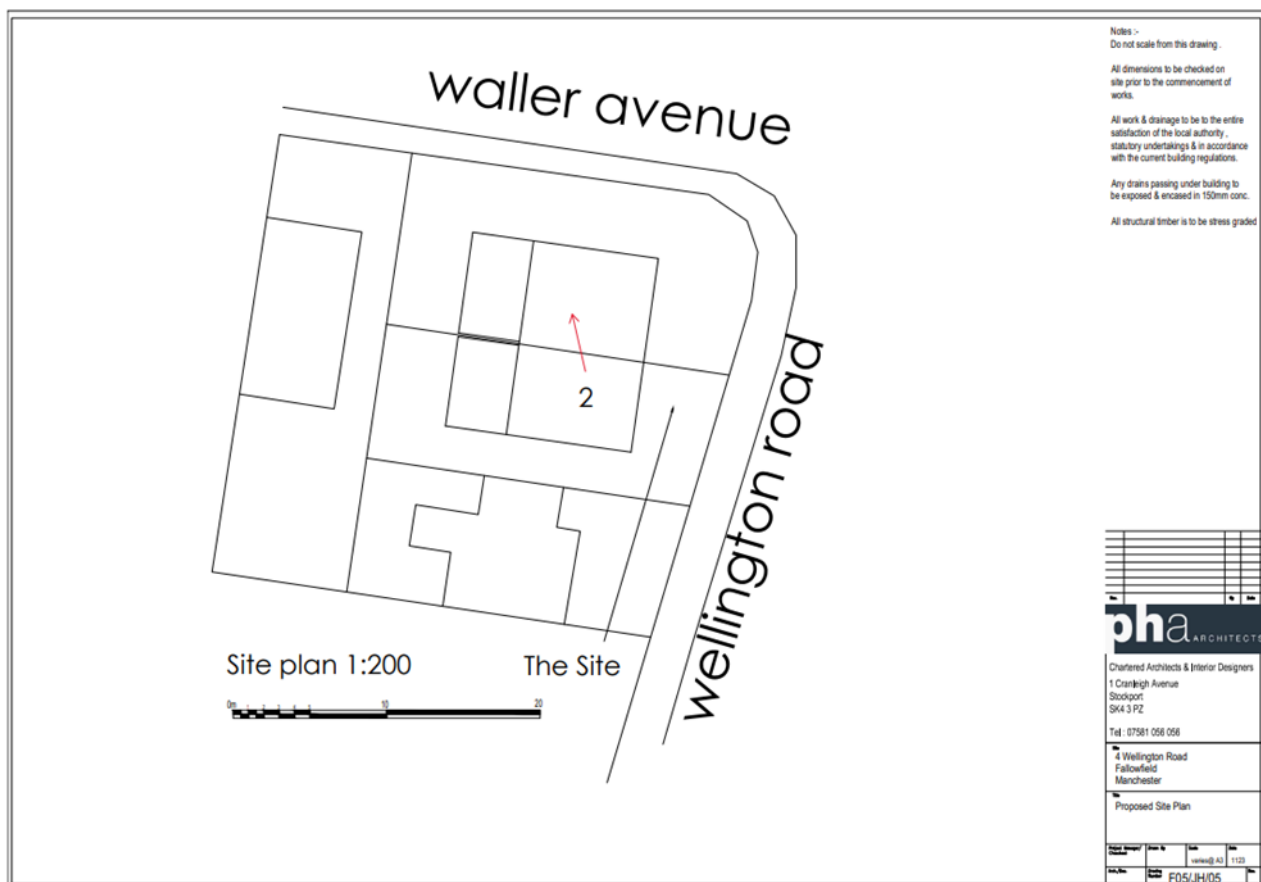


Figure 10. Submitted proposed site plan, numbered F05/JH/05.

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 and develop their homes to provide enlarged or improved living accommodation is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers.

In this instance however, the principle of the proposal is considered unacceptable as the submitted drawings include a number of inaccuracies and discrepancies which means they cannot be approved. It is therefore believed that there are factors of sufficient weight in terms of inaccurate information that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Inaccurate information – the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) provides general requirements for the submission of planning applications, namely that these should be accompanied by a plan which identifies the land to which the application relates and any other plans, drawings, and information necessary to describe the development, which is the subject of the application.

With this in mind, it is considered that the information submitted under this application fails to meet the requirements set out in this Order, not least because the existing and proposed plans do not indicate the direction of North, but also due to the fact that the submitted drawings do not provide an accurate representation of the application property in real terms.

Indeed, with regards to the existing plans and elevations, the rearward projection of the property's single storey rear outrigger is inaccurately depicted. This is especially clear when comparing the existing drawings to the site photographs (see figures 2, 4, and 7) with Google Earth indicating a rearward projection of at least 4m (see figures 5 and 6) (rather than the 1.993m shown on the submitted drawings, see figure 7).

Moreover, the outrigger's elevational features are also inaccurately depicted. The existing ground floor plan and rear elevation both indicate that the outrigger features one rear-facing window, however, from reviewing the site photographs and information available via Google Earth, it is clear that this is not the case as this wall should be blank (see figures 2 and 7). Additionally, the outrigger's side elevation, facing No.6 Wellington Road, is also inaccurately depicted with the existing ground floor plan and side elevation indicating this wall as blank and featureless, whilst the site photographs indicate that this elevation should actually show one external store opening, one window, and two doors (see figures. 2, 4, 6 and 7).

It should also be noted that the side elevation of the host dwellinghouse (facing No.6 Wellington Road) is also inaccurately depicted. The existing plans and elevations both indicate that this side elevation features one window and one door at ground floor level and one window at first floor level, however, the site photographs demonstrate that the property actually features two ground floor windows and one first floor window in this elevation (see figures 2, 4, 6 and 7).

Further inaccuracies exist between the internal floor levels of the property, as illustrated on the existing and proposed drawings as the floor levels of the host dwellinghouse are clearly higher than those of the single storey outrigger; therefore, any proposed relocation of the side door from the outrigger to the host dwellinghouse would result in a higher position than currently shown (see figures 2, 4, 7 and 8). Both sets of drawings suggest that there would be no alteration of the door's positioning, however this cannot be true given that the door is not in this position already.

Lastly, both F05/JH/04 and F05/JH/05 depict the application property as being annotated as No.2 Wellington Road, rather than No.4 Wellington Road, with F05/JH/05 also depicting the proposed extension as projecting to the same extent as the rear extension in place at the adjoining property (which is actually No.2 Wellington Road) (see figures 9 and 10). This represents a further inaccuracy within the submitted information as No.2 Wellington Road's rear extension actually features a rearward projection of more than 5m, and the applicant states this to be 5m in paragraph 2.4 of their appeal grounds in relation to the pending enforcement appeal APP/B4215/C/23/3331153 at that neighbouring property, whilst the submitted proposed plans and elevations for 138721/FH/2023 indicate a 4m rearward projection for the proposed extension at No.4 Wellington Road (see figure 8).

Therefore, given the quality and accuracy of the submitted information, and the uncertainty of how the proposal may affect the amenities of neighbouring residents, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to the inaccurate and inconsistent information submitted, which does not provide an accurate representation of the application property as it currently stands, nor its proposed extension. The applicant and their agent were informed of the above concerns; however no response was received. As such, these issues were unable to be adequately resolved. Policy DC1 states that the alteration and extension of residential properties may be required to accommodate changing household needs, however, the submitted information for this proposal is inaccurate, inconsistent and unacceptable and, as such, cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal therefore cannot be supported by the City Council.

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 attempted to work with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues arising from the accuracy of the plans 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) A number of errors have been identified within the submitted drawings. Corrected plans have been requested but not submitted; therefore, given the quality and accuracy of the submitted information, and the uncertainty of how the proposal may affect the amenities of neighbouring residents, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and policies EN1, SP1 and DM1 of Manchester's Core Strategy Development Plan Document, saved policy DC1 of the Unitary Development Plan for the City of Manchester and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

6 Wellington Road, Old Moat, Manchester, M14 6EQ
15 Wellington Road, Old Moat, Manchester, M14 6FA
17 Wellington Road, Old Moat, Manchester, M14 6FA
13 Wellington Road, Old Moat, Manchester, M14 6FA
1 Waller Avenue, Manchester, M14 6EB
2 Wellington Road, Old Moat, Manchester, M14 6EQ

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
Area Team Boundary - Name: SOUTH AREA