

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137980/FH/2023

Date registered valid: 4 September 2023

Proposal: Erection of part single, part two storey side and rear extension to form additional living accommodation

Address: 12 Hinstock Crescent, Manchester, M18 8UU

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr. M. Abdullah Bajwa

Agent (if any): Mr. Niamat Ali NA Design

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 September 2023

Standard consultations:

Printed: 7 September 2023

Expired: 28 September 2023

Neighbour notifications

Printed: 7 September 2023

Expired: 28 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:

Tree Preservation Order:

Description of site / building / area

12 Hinstock Crescent is an end of terraced dwellinghouse within a short row of four houses which are slightly elevated along the head of a turning circle within a short cul-de-sac of houses of similar type. The immediate area is predominantly residential.

The application site has an existing front porch, approximately (2.8 metres wide x 1 metre deep x 3 metres high); existing single storey lean-to side extension approximately (2.2 metres wide x 5.7 metres deep x 3.3 metres high, with a rearward projection of approximately 2.2 metres, and set back approximately 2.6 metres from the front building line of the original dwellinghouse, and retaining a separation distance of approximately 5.4 metres from the common shared boundary with no.10 Hinstock Crescent, whilst being off-set from the common shared boundary with no.14 Hinstock Crescent approximately minimum 3.5 metres and maximum 12.1 metres).

There is existing amenity space along the front, side and rear elevations with timber panel fencing along the boundary and incorporating a gated access.

A narrow gated alleyway/footpath, with access from Jessop Street runs along the rear boundary of the application site.

The existing side garden is relatively large, approximately 12 metres deep from the side elevation of the existing single storey side extension.

The amenity space along the front elevation has been fully hard surfaced and serves as off-street car parking, which mirrors the same arrangement as most of properties along Hinstock Crescent.

The existing rear garden is approximately 6.9 metres deep, with the existing separation distance from those properties along the rear of the application site at approximately 16.7 metres (first floor window to window), resulting in the potential for overlooking along this elevation.

There are various extensions along the Hinstock Crescent and the immediate neighbouring streets - Garlick Street and Chapman Street. For example, no. 14 Hinstock Crescent has been extended - planning approval, (ref: 117053/FH/2017), and no. 13 Hinstock Crescent (ref: 134392/FH/2022).

Site history:

- o 136894/FH/2023, Erection of part single, part two storey side extension and part single part two storey rear extension to form additional living accommodation, REFUSED 07/23.
- o 135656/FH/2022, Erection of part single, part two storey side extension and part single part two storey rear extension to form additional living accommodation, REFUSED 02/23.

Description of development

The submitted application proposes a part single, part two storey side and rear extension to form additional living accommodation.

This application is a re-submission following refused planning application (reference nos.135656/FH/2022, 136894/FH/2023) and subsequent pre-application advice.

The proposal along the ground floor would be flush with the front building line of the original dwellinghouse and have a width of approximately 2289mm along the front elevation. It then cranks to run parallel to the side boundary with no. 14 Hinstock Crescent, whilst retaining a separation distance of approximately 805mm from this boundary. It then projects approximately 8751mm within the side garden and runs along the rear elevation of the existing house leaving a small gap of approximately 101mm from the boundary with no.10 Hinstock Crescent. The proposed maximum rearward projection would not exceed 4000mm. The proposed extension at ground floor elevation would incorporate 1no. window along the front elevation, 1no. window along the side elevation(obscurely glazed), together with 1no. window, French doors and Bi-fold doors along the rear elevation; including 1no window along the rear roof slope; whilst incorporating a combined lean-to pitch and hip roof design, height - approximately 3418mm along the front elevation and 3816mm along the rear elevation.

At first floor level, the proposed extension would be set-back approximately 1500mm from the front building line of the original dwellinghouse whilst maintaining a proposed width of

approximately 2983mm along the front elevation. It would then run parallel with the side gable of the existing dwelling house and wrap around part of the rear elevation of the house. The proposed maximum rearward projection along the first floor would not exceed 3000mm. This element would incorporate 1no. window along the front elevation, including 2no. small windows along the rear elevation (both would be fully obscurely glazed), whilst incorporating a combined pitch to hipped roof configuration. It is intended to use matching external facing bricks and matching materials.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. The following objections, comments, or representations was received from one local resident:

They advise they would like again for the third time to object strongly to the above proposed application as in their view the scheme is not acceptable. They have reviewed the revised proposed plans and object strongly to them. They are of the view that it looks like another property will be built next to their property.

They state that their previous objection letters dated 17th December 2022 and 16th May 2023 for the previous two planning applications also remain valid and still stand. The full grounds of their objection are set out below and they wish to highlight several areas of concern and irregularities:

1. Not in keeping with the context or scale of this area and having a layout and density that is inappropriate for this area, and would give rise to overlooking, loss of privacy, and loss of light.
2. The proposed development would encroach onto their boundary.
3. The depth of the rearward extension is contrary to policy.
4. The front porch has already been built without the benefit of building regulations or planning permission, and the roof materials do not match those of the existing house.
5. The floorspace which would be created exceed that in the existing house.
6. The side extension would effectively merging this property with the adjacent house like terraced houses. This undermines the Hinstock Crescent integrity, changes the character of this cul-de-sac and makes the area overcrowded and loses its 1933 unique character.
7. Concerns raised in regard to the resulting number of bedrooms, the number of occupants and the impact (traffic, noise, utilities) will create on the Hinstock Crescent, and whether the property would be subdivided into two units in the future or used as an HMO.
8. The roof on the second floor has been designed to make it hard to determine if it is a hip roof or a gable end roof. It looks like they are planning to change from a hip roof into gable end roof. This roof will cause an extreme loss of sunlight to their property and would not match the surrounding properties in the crescent.
9. Concerns raised in regard to the gap between the proposed side extension and the boundary, and the potential for infringement. Issues have also been raised in relation to the type of any foundation and whether piling would be required, and whether there would be damage to their property.
10. Matters have been raised in regard to drainage, and whether any rainwater goods would overhang their boundary.

11. They are of the view that the scheme would have a negative impact on them and their family's health and wellbeing, e.g., noise, odour, light pollution, loss of daylight, privacy, or late-night activity.
12. They believe their property would suffer from reduced air passage flow between our properties resulting in narrowing of wind flow. This will result in extreme noise, damp issues and loss of natural draft and air stagnation.
13. The small gap between the two houses would reduce the ability of an emergency crew to enter the property in case of fire hazards. The application property has no rear access. The proposed side extension will make it harder for fire fighter access in an emergency situation.
14. Concerns about safety during the construction period , associated with scaffolding , and debris or lose materials falling into their garden or driveway. No.12 has not mentioned in their planning application form that there is an easement right of way between their and the adjacent property.
15. The proposed development would give rise traffic congestion, access, and safety issues, and reduce availability for car parking, and give rise to on street parking issues. They legally have no right to park or store anything in the front joint passageway leading to their property, because of an easement of right of way over the joint passageway between 14 Hinstock crescent and 12 Hinstock Crescent which is legally binding.
16. Concerns about impacts to the natural environment e.g., a significant loss of trees. The owner has already cut all existing mature conifer trees in the back garden and removed the turf causing significant loss of natural habitat for animals e.g., birds, squirrels and foxes, and loss of green area.
17. They consider the proposed development would have a significant impact on their family's mental health.
18. The red line has been drawn intentionally on their land for the third time. The applicant has taken their land especially in the back garden and claimed it is theirs.
19. In respect of the planning submission they are concerns that the applicant has been allowed to make a further planning application following two earlier refusals, and that the submitted forms state there is no right of way.
20. They are of the view that a family member's disability has been used to ignore planning policies without any consideration to the surrounding neighbours, and their human rights, equality and privacy.

Subsequently to the objector's comments, an acknowledgment was sent, and advice provided, (correspondence, dated 19/09/2023).

2. Environmental Health – recommend a watching brief condition in regard to contaminated is attached to any planning approval , as records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (September 2023):

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

2. 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.

3. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- o Policy DM1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

4. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.

- o Saved Policy DC1 for Residential Extensions is still considered of relevance.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:

- o Chapter 2: Design

ISSUES

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on visual and residential amenity.

Residential and Visual Amenity

Impact of works (part single part two storey side and rear extension) - In light of the existing and proposed contextual relationship in terms of the impact on the character and appearance of the Hinstock Crescent street scene and wider neighbourhood, it is considered that the proposed scale of the development and its siting in relation to neighbouring properties; specifically, nos. 10 and 14 Hinstock Crescent, nos. 95 and 97 Chapman Street, and along Jessop Street would not give rise any significant adverse impact to residential and visual amenity which would warrant the refusal of the proposed development .

The proposed extension has been designed to form a subservient addition to the existing dwellinghouse in terms of its proportions and height, in that it would maintain a set-back along the first floor front elevation and the proposed roof ridge has been set below the existing roof ridge. Furthermore, the roof would be in form of a hip design which would reduce the mass of the proposed development, and associated impacts to neighbouring dwellings.

Moreover, given the maintained relationship of the application property to neighbouring buildings; specifically, nos. 10 and 14 Hinstock Crescent, nos. 95 and 97 Chapman Street and those properties along Jessop Street, it is not considered that the development would have an unduly harmful impact on the surrounding context, as it would be contained within the curtilage of the application site, would not be sited forward of the front building line, and would not affect the relationship of the site for configuration of neighbouring houses, due to the separation distance that would be retained from the common boundaries. The siting of the development is therefore considered to be acceptable.

Furthermore, notwithstanding the fact that the overall proposed rearward projection along the ground floor at 4000mm, would be approximately (350mm) in excess of the guidance set out in saved policy DC1.3(a) regarding rearward extensions, it is considered that this variance would not unduly impact on residential amenity as it would be significantly screened by the common boundary fence. The overall proposed rearward projection along the ground floor at 4000mm is also in line with the limitations for a larger homes' extension applications. In addition, the overall proposed rearward projection along the first floor at 3000mm, is in accordance with the limitations for Householder General Permitted Development, and the proposed first floor rear extension element of the scheme would be set way from the first floor common boundary with no. 10 Hinstock Crescent and maintain a separation distance of approximately 3261mm from this boundary.

Given the existing limited separation distance between the rear façade of the dwellinghouse and dwellings on Chapman Street to the east , it is recommended that the proposed 2no. small windows along the first floor rear elevation are conditioned to be obscurely glazed to safeguard privacy.

Although a bedroom window is proposed at first floor level in the side elevation, this would be 10m from the side boundary , and would overlook the reasonable sized triangular shaped side garden area with no direct line of sight to any habitable room windows (no.14 Hinstock Crescent has a blank side gable).It is considered that it would be better located in this position rather than along the rear elevation in light of the existing limited separation distance along the rear of the application site. Given the depth of the side garden that would be retained, and the significant separation distance that would be maintained from the elevations to the north of Jessop Street elevation and the (blank wall) side elevation of no. 14 Hinstock Crescent and in-part its rear

garden, it is not considered that any impacts to privacy would not be so significant as to warrant refusal of the proposed development.

The application under consideration has been submitted with a view to meeting the needs of a disabled occupier. Saved UDP policy advises that the Council will consider on their merits exemptions to policies DC1.1-1.4 in the case of application from disabled people who may require particular adaptations to their homes.

For the reasons set out above, and on balance, and subject to planning conditions, it is considered that the proposal could be accommodated in this location on the basis that there are no undue overbearing adverse impacts from massing, nor would the proposal result in undue overlooking or loss of privacy, or unduly impact on the character and appearance of the Hinstock Crescent street scene. Moreover, it is considered that the proposed development responds positively to saved policy DC1 and policies SP1 and DM1, in that it would improve the living environment for the resident and thereby their well-being and continued occupation of the house, subject to conditions. It is however recommended that additional conditions are attached in the interest of privacy, restricting any further window or door openings, and ensuring that proposed materials are adhered to. It is also considered necessary that an informative in relation to development noise is attached to any recommendation for planning approval given the nature of the short cul-de-sac.

Impact of works (Design and appearance) - The proposal represents a simple design form that responds to the character of the original house and the properties along the Hinstock Crescent street scene in terms of the proposed brick façade, and the use of traditional materials. Additionally, the property is not within a designated area of special control such as a Conservation Area, or is it a Listed Building, or near a listed asset. It is therefore not considered that the development would undermine the character of the Hinstock Crescent in visual terms due to the scale of the development, the quality of the proposed design and proposed materials. In addition, a condition has been included to relate the development to specified external facing materials.

Impact of works (Car parking) - The existing arrangement would be unaffected. Whilst acknowledging that the proposed development would increase the number of bedroom within the property from 3 to 4, it is not considered that this would lead to a significant increase in parking associated with the house to warrant the refusal of permission. The property benefits from a driveway to the front of the dwelling which can accommodate 2 vehicles.

Impact of works (Waste management) - The proposed development would retain an access of approximately 805mm along the common shared boundary with no.14 Hinstock Crescent which would enable the storage of 140 litre bins in the rear garden.

Boundary Encroachment – the submitted plan indicate that the proposed development would be set off the boundaries with the neighbouring properties. This issue, however, is a civil matter.

Terracing - As stated earlier in this report proposed extension has been design to form a subservient addition to the existing dwellinghouse in terms of its proportions and height, in that it would maintain a set-back along the first floor front elevation and the proposed roof ridge has been set below the existing roof ridge. Furthermore, the side extension is set off the boundary

with no.14 Hinstock Crescent and would be set at right angles to no.14 , due to the siting of the properties around the turning head at the end of the cul-de-sac. Therefore , a terracing effect would not result on the basis of the scheme under consideration.

Use of the dwellinghouse as an HMO – concerns raised in relation to the extended property being used in the future as an HMO have been noted and a condition regard this matter is proposed to be attached to any approval.

Objectors' comments - In terms of planning comments raised by the objector, these have been duly considered in the issues section above. Comments relating to civil matters, trespassing, shared ownership matters, boundary disputes, wall party wall issues and issues regulated by building control legislation would fall outside of planning legislation and therefore cannot be considered as part of this planning application.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapters 8 and 12; policies SP1, DM1, EN1, EN19, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, the local planning authority had no issues to raise with the agent but have attached appropriate conditions to the approval.

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 this permission.

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

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

- o Location Plan and Site Plan with application site edged in red, received by the City Council as the Local Planning Authority on 04 September 2023.
- o Proposed Floor Plans, DRAWING No: NA-P02, received by the City Council as the Local Planning Authority on 04 September 2023.
- o Proposed Elevations, DRAWING No: NA-P03, received by the City Council as the Local Planning Authority on 04 September 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

3) The external facing materials to be used on the extension hereby permitted shall match those of the primary dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the application form and approved drawings.

Reason - To ensure that 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 Policy DC1

of the Unitary Development Plan for the City of Manchester (1995) and Policies DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy (July 2012).

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to policy EN18 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City Manchester (1995).

* Our records indicate that the proposal site is on or in the vicinity of an infilled pond/potentially contaminative historic land uses.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on:

- o Proposed Floor Plans, DRAWING No: NA-P02, received by the City Council as the Local Planning Authority on 04 September 2023.

- o Proposed Elevations, DRAWING No: NA-P03, received by the City Council as the Local Planning Authority on 04 September 2023.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995); and policy DM1 Core Strategy for the City of Manchester(2012).

6) Before first occupation of the development thereby approved, the proposed window with the side elevation at ground floor level to serve the annotated "WETROOM" and as shown on: Proposed Floor Plans, DRAWING No: NA-P02; and Proposed Elevations, DRAWING No: NA-P03, both received by the City Council as the Local Planning Authority on 04 September 2023; shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - In the interest of privacy and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012), and policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995).

7) Before first occupation of the development thereby approved, the proposed 2no. windows along the first floor rear elevation to serve the annotated "M BEDROOM" and its ensuite and as shown on: Proposed Floor Plans, DRAWING No: NA-P02; and Proposed Elevations, DRAWING No: NA-P03, both received by the City Council as the Local Planning Authority on 04 September 2023; shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - In the interest of privacy and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012), and policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995).

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Construction/demolition works shall be confined to the following hours

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Environmental Health

97 Chapman Street, Manchester, M18 8UA
95 Chapman Street, Manchester, M18 8UA
14 Hinstock Crescent, Manchester, M18 8UU
10 Hinstock Crescent, Manchester, M18 8UU
8 Hinstock Crescent, Manchester, M18 8UU

16 Hinstock Crescent, Manchester, M18 8UU
6 Hinstock Crescent, Manchester, M18 8UU

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