

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136894/FH/2023

Date registered valid: 5 May 2023

Proposal: Erection of part single, part two storey side extension and part single part two storey 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
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Recommendation: Refuse

Date of recommendation: 27 June 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 May 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 12 May 2023 Expired: 2 June 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

Description of site / building / area

12 Hinstock Crescent is an end of terraced property 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 surrounding area is predominantly residential.

The application property 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 to the front, side and rear elevations with timber panel fencing along the boundary and incorporating a gated access along the side elevation. The amenity space along the front elevation has been fully hard surfaced with concrete and serves as off-street car parking. An alleyway/footpath runs along the rear boundary of the site. 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. No. 14 Hinstock Crescent has been extended - planning

approval, (ref: 117053/FH/2017), and no. 97 Chapman Street (ref: F11136). A narrow gated alleyway, with access from Jessop Street runs along the rear boundary of the application site.

Description of development

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

Correspondence was sent to the agent on 20/06/23 and 21/06/23 expressing the concerns relating to the submitted plan and confirmation was requested regarding how they wished to proceed with the planning application. Revised plans were subsequently submitted, (dated, 20/06/23) which was still considered to be unacceptable.

The proposed revised plan along the ground floor would be flush with the front building line of the original dwellinghouse and maintain a width of approximately 2392mm along the front elevation, it will then project approximately 1584mm along the common shared boundary with no. 14 Hinstock Crescent, whilst retaining a separation distance of approximately 850mm from this boundary. It then projects approximately 8350mm into the rear garden, then comes forward of the common shared boundary with no. 10 Hinstock Crescent approximately 9107mm wide, whilst retaining a small gap from this boundary. The proposed maximum rearward projection would not exceed 3000mm. This element would integrate 1no. window along the front elevation, 1no. window along the side elevation, including 1no. window, French doors and Bi-fold doors along the rear elevation; including 1no window along the rear roof plane; whilst incorporating a lean-to pitch roof design, approximately 3287mm along the front elevation and 3642mm along the rear elevation.

Along the first floor, the proposed extension would be set-back approximately 1120mm from the front building line of the original dwellinghouse whilst maintaining a proposed width of approximately 3506mm along the front elevation (more than half the width of the original dwellinghouse). It would then project into the rear garden approximately 7913mm, then come forward of the common shared boundary with no. 10 Hinstock Crescent approximately 5254mm wide and return forward of the rear building line of the original house whilst maintaining a distance of approximately 3225mm from this boundary. It would also retain a small gap from this boundary. 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. windows along the rear elevation, whilst incorporating a combined pitch to hipped roof configuration. It is intended to use matching external facing bricks and matching materials.

Consultations & Notification Responses

A. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. A summary of the following objections, comments, or representations were received:

Comment 1

Having perused the fresh appeal, I again strongly object to the planning re-application and proposed building construction at No 12 Hinstock Crescent for the below stated reasons. I am utterly appalled that the No 12 owners have not taken on board the advice and

recommendations of MCC planning department and subsequently not made the necessary adjustments to their plans in their reapplication, revised plans submitted but instead have the audacity to demand what they want in direct incompliance and violation to the building regulations.

Loss of green mature conifers and outdoor burning

The owners of No 12 have felled 8 mature conifers which was a green belt barrier from Chapman Street. These trees provided a lush habitat for wild life and offered a natural screen from noise and pollution to the Crescent. I have been made aware that the No 12 owners have consequently disposed of the trees/branches by outdoor burning at night over several days which caused plumes of smoke and pollution to the surrounding atmosphere, affected wildlife but more importantly brought much discomfort particularly to elderly neighbours and those with asthma/breathing issues. Outdoor burning is not only unlawful but it was so very inconsiderate of them to do as they please without considering the well being of the neighbours and environment.

The outward presentation

The roof is being changed from a hip roof to a gable end roof which is not in keeping with the appearance of the roof tops of the houses in the Hinstock Crescent. The appearance of the two corner houses (No 12 & No 14) will merge and look like joined terrace houses which impacts on the Hinstock Crescent current appearance and layout.

Parking and obstruction

Parking in the cul de sac is becoming more than a nightmare. I have on numerous occasions been blocked out from entering the Crescent and my driveway which is a real pain as it impacts on my work appointments. If continuous building work of this massive scale is undertaken, it will also impact on clear access for emergency services attending to the needs of neighbours at our Hinstock Crescent.

Continuous building construction work

The ongoing building construction will impact on the already busy construction site this Crescent is facing since the construction commenced on No 13 Hinstock Crescent in July 2022. With both Number 13 and Number 12 building constructions occurring almost simultaneously and is ongoing, this is a double whammy to all who live on this once quiet and peaceful cul de sac.

The ongoing building construction will impact on the already busy construction site this Crescent is facing since the construction commenced on No 13 Hinstock Crescent in June 2022. With both Number 13 and Number 12 building constructions occurring almost simultaneously and is ongoing, this is a double whammy to all who live on this once quiet and peaceful cul de sac.

For all the above reasons, I strongly object to No 12's reapplication, revised plans, and proposed building work.

Comment 2

I would like again to object strongly to the above proposed application. I have reviewed the supposedly revised proposed plans and object strongly to them.

My previous objection letter dated 17th December 2022 for the previous planning application also remains valid and still stands. The grounds of my objection are set out below and I would like to highlight several areas of concern and irregularities:

The plan is not in keeping with the context or scale of this area and having a layout and density that is inappropriate for this area. It will have a negative impact on myself and my family's health and wellbeing, e.g., noise, odour, light pollution, loss of daylight, privacy, or late-night activities and will cause traffic congestion, access, and safety issues. It will reduce availability for car parking, and impact on environmental health, green belt, or the natural environment e.g., a significant loss of trees has occurred at this site.

Furthermore, number 12's new proposed plans appears to be the same as their initial proposed plan that has been already refused planning permission (24th February 2023). (Note: The date on the revised proposed plans design has not been updated and remains the same November 2022. This suggests that the plan designer has not been officially revised after the local authority planning department advise on 01/02/2023 according to their application form.)

With regard to our mental health, the impact this proposed development will have on my family's mental health is tremendous, especially for my wife who is currently suffering from a long-term illness which requires her to stay longer indoors and have extra rest. Furthermore, a lot of Hinstock Crescent residents are elderly and require a fast response emergency service and this development and associated traffic congestion will very likely cause delays.

In terms of the submitted location plan, for the Council's record, in their provided location map, Number 12 wrongly drew the red line to include land not solely in their ownership. The boundary line remains the same since 1933.

POLICY

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

1. The National Planning Policy Framework (NPPF), (July 2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

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

2. 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 including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

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

- i. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- ii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iii. Community safety and crime prevention;
- iv. Design for health;
- v. Adequacy of internal accommodation and external amenity space;
- vi. Refuse storage and collection.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

3. Saved Unitary Development Plan Policies (UDP)

Large elements of the UDP have been superseded by the Core Strategy Development Plan. However, saved Policy DC1 for Residential Extensions is still of relevance. This states:

DC1.1

In determining planning applications for extensions to residential properties, the council will have regard to:

- a) the general character of the property
- b) the effect upon the amenity of neighbouring occupiers
- c) the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs

- d) the overall appearance of the proposal in the street scene
- e) the effect of the loss of any on site car parking

DC1.2

Extensions to residential properties will be allowed subject to compliance with other relevant policies of the plan and the following criteria:

- a) they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings)
- b) they do not create an undue loss of sunlight, daylight or privacy
- c) they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details
- d) they would not result in the loss of off street car parking in a situation where there is so severe an existing on street car parking problem that unacceptable additional pressures would be created

DC1.3 Notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) in length
- b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
- c) 2 storey extensions to terraced properties which occupy the full width of the house
- d) flat roofed extensions to bungalows
- e) extensions which conflict with the council's guidelines on privacy distances (which are published as supplementary guidance)

DC1.4

In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a) The development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b) The actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c) The actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Policy DC1.6

For the avoidance of doubt, policies DC1.1 to DC1.4 apply to domestic houses, flats, houses in multiple occupation, nursing homes, rest homes and hotels.

Reasons: Many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate 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 Council is not generally in favour of dealing with this issue by laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraph is of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principle have not been satisfactorily incorporated into the development.

ISSUES

Correspondence was sent to the agent on 20/06/23 and 21/06/23 expressing the concerns relating to the submitted plan and confirmation was requested regarding how they wished to proceed with the planning application. Revised plans were subsequently submitted, (dated, 20/06/23) which was still considered to be unacceptable. The proposal cannot be supported in its current form and therefore will be recommended for refusal.

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

Having assessed the proposed revised plans, (dated, 20/06/23); whilst the proposed depth of rearward projections at both ground and first floor seems to be the only change and would not now exceed 3000mm - (which would be in line with the limitation for householder general permitted development), a number of concerns relate to the scheme, particularly concerning the proposed width of the first floor rear extension element coming significantly forward of the common shared boundary with no.10 Hinstock Crescent, resulting in an inappropriate proposed separation distance and the resultant large expanse of brickwork along this first floor common boundary; coupled with the overall resultant overbearing outlook from the neighbouring

gardens. In addition, given the existing depth of rear garden at approximately 6.9 metres and the existing separation distance from those properties along the rear boundary of the application site at approximately 16.7 metres (first floor window to window of the original house), and due to the fact that the proposed rear extension element is coming forward of those properties along the rear boundary, thereby further reducing the separation distance along the rear elevation to approximately 13.7 metres (first floor window to window of the original house); it is therefore considered that the submitted revised plan would give rise to privacy and overlooking along this elevation; contrary to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC1.

Moreover, the width of the proposed side extension element is also significantly more than half the width of the original dwellinghouse, combined with the proposed front elevation coming significantly forward of the common shared boundary with no.14 Hinstock Crescent and the resultant scale and massing impact along this boundary is considered create an overbearing presence to the detriment of the amenity of neighbouring occupiers, and as a consequence, would also result in the creation of a narrow gap between the two houses, resulting in a visually unsympathetic relationship between the two properties; contrary to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC1.

Moreover, the submitted existing plans and elevations shows the existing roof configuration as a pitch roof, which is inconsistent as this does not reflect what is in situ.

Conclusion

In this instance, it is considered the proposal does not sufficiently accord with the principles of the policy documents outlined above. Although the proposed development would allow the adaptation of the existing house to meet changing residential needs, on balance, it is considered that the proposal would create an unsympathetic, overbearing cumulative feature by virtue of its size, scale and massing and in terms of its relationship along the common boundaries with nos. 14 and 10 Hinstock Crescent and those properties along the rear boundary, along Chapman Street; coupled with privacy impact matters with the proposed extension coming significantly forward of the common boundaries; for these reasons, if the proposed development were to be allowed, it would unduly impact on the homes and gardens of the adjoining properties, particularly; those at nos. 14 and 10 Hinstock Crescent and those properties along the rear boundary, along Chapman Street. It is therefore considered that the proposed development does not respond positively to The National Planning Policy Framework (July 2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

Objectors' comments

In terms of the planning comments raised by the objectors, these have been duly considered in the issues and conclusions section above. The other comments raised would fall under separate legislations and therefore cannot be considered as part of this planning application.

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

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. Correspondence was sent to the agent on 20/06/23 and 21/06/23 expressing the concerns relating to the submitted plan and confirmation was requested regarding how they wished to proceed with the planning application. Revised plans were subsequently submitted, (dated, 20/06/23); however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable. The application has been determined in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan, the Core Strategy, the National Planning Policy Framework and all other material considerations.

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

1) The proposed side extension by reason of its relationship along the common boundary with 14 Hinstock Crescent would result in the creation of a narrow gap between the two houses, resulting in a visually unsympathetic relationship between the two properties; contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

2) The proposed part single, part two storey side and rear extension by reason of its relationship along the common boundaries with nos. 14 and 10 Hinstock Crescent and those properties along the rear boundary, along Chapman Street would create an unsympathetic, overbearing cumulative feature by virtue of its size, scale and massing, coupled with privacy impact matters with the proposed habitable room windows along the first floor rear elevation coming forward of the neighbouring gardens, would be detrimental to amenity of the neighbouring occupiers; contrary to the provisions of the National Planning Policy Framework (2021); policies SP1, DM1 and EN1 of The Manchester Core Strategy Development Plan Document (2012); and saved policy DC1 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

16 Hinstock Crescent, Manchester, M18 8UU
15 Hinstock Crescent, Manchester, M18 8UU
11 Hinstock Crescent, Manchester, M18 8UU
9 Hinstock Crescent, Manchester, M18 8UU
14 Hinstock Crescent, Manchester, M18 8UU
13 Hinstock Crescent, Manchester, M18 8UU
10 Hinstock Crescent, Manchester, M18 8UU
97 Chapman Street, Manchester, M18 8UA
95 Chapman Street, Manchester, M18 8UA

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