

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136039/FO/2023

Date registered valid: 27 March 2023

Proposal: Erection of two storey rear extension to form enlarged ground floor retail unit (Class E) and enlarged, self-contained flat (Class C3) above

Address: 92 Cobden Street, Manchester, M9 4DZ

Ward(s): Harpurhey Ward

Applicant: Mr V Prajapati

Agent (if any): Mr R Anwar, RA Design & Project Management Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 15 May 2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 5 May 2023

Standard consultations:

Printed: 11 April 2023 Expired: 2 May 2023

Neighbour notifications

Printed: 11 April 2023 Expired: 2 May 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

The application property relates to an end terraced, two storey property, situated at the corner of Cobden Street and Lewis Avenue. The property fronts the back of the pavement.



The property comprises a ground floor retail unit in use as a convenience store/off-licence, with a two bedroom flat above. To the rear is a part single, part two storey outrigger with enclosed, partially covered rear yard area. Barbed wire covers the site rear perimeter.

The rear yard backs onto a gated alleyway. A gated access leads directly onto the roadside along Lewis Avenue.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the host ground floor shop and parkland (Boggart Hole Clough) to the north, the immediate area is predominantly residential in character, mainly comprising two storey, terraced dwellinghouses.

Description of development

Planning permission is sought for the erection of two-storey rear extension to form ancillary space, as part an enlarged ground floor retail unit (Class E), including an internal bin store, as well as an enlarged, first floor flat (Class C3). The first floor is proposed to be reconfigured to create a third bedroom and new lounge/kitchen area.

The proposed extension which incorporates a gable roof, would occupy the remaining area of rear yard, to provide full site coverage.

The proposed extension would infill an existing first floor recess and project beyond the existing ground floor rear elevation by approximately 5.3 metres.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highways Services – The following comments are made:

Trip Generation

It is accepted that the development is unlikely to generate any highway safety, traffic or network capacity concerns.

Accessibility

The site is located in an established residential area with frequent bus services operating within walking distance of the site along Rochdale Road and Moston Lane.

Parking and Access

No on-site car parking is proposed. Given that the ground-floor unit will continue to operate as a convenience store and given that no parking is provided with the existing first-floor flat, Highways consider this to be acceptable.

Pedestrian access to the flat will be provided via the rear alleyway only with residents provided with a key to access the existing alley gate. Highways request additional details with regard to access for visitors (i.e. post/deliveries/emergency services), given that access to the property for others will be restricted by the alley gate. The applicant and residential occupants should also be reminded that the alley gate should be kept locked at all times outside of use.

Boundary Treatment/Pedestrian Access

The proposal must ensure that any doors (excluding fire-doors) located adjacent to the adopted footway/alleyway open internally to ensure no conflict with passing pedestrian movements.

Construction Management

It is recommended that the applicant provides a brief Construction Management Plan prior to any construction works beginning.

Greater Manchester Police (Design for Security) - Rear access arrangements for apartments are not normally supported but judging by the plans it looks like this is already in place and could be improved. It is noted that alleyway is gated and the access for the apartment would be taken from this area, which is a positive factor. If the development is approved, it is recommended that the gate into the rear yard of the apartment is a robust gate which is lockable from both sides, with a secure mailbox for residents, and that the apartment itself is alarmed. Any fittings should be to 'Secured by Design' standards.

Flood Risk Management – No objection. An 'Informative' is advised with respect to surface water drainage.

Environmental Health – Conditions are advised in relation to construction and operating hours. The waste management arrangement is considered acceptable.

Planning History

None.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use

of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC1 provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that 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.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP 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 a severe existing on-street parking problem.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 12 'Achieving well-designed places' states at paragraph 130:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 and states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In this case, it is believed that that proposed rear extension would have a harmful impact to both residential and visual amenity. Principally, as a consequence of its position, size, bulk and mass, given its relationship with both neighbouring properties and the street-scene.

As such, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance. The issues are outlined further below.

Visual Amenity

Saved Policy DC1 of the Unitary Development Plan states that in determining planning applications for extensions to residential properties, the Council will, amongst other criteria, have regard to the general character of the property, the effect upon the amenity of neighbouring occupiers and the overall appearance of the proposal in the street-scene. Structures should be subservient to the original building, not be excessively large or bulky or project out too far in front of original buildings.

Policies DM1 and SP1 of the Core Strategy also indicate that consideration should be given to the effects of new development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing and materials.

The Council's policy is supported by the National Planning Policy Framework (NPPF).

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- 39 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 134 goes on to state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

In this case and with reference to the policy and guidance outlined, it is the Council's view that given the relationship of the host property with neighbouring buildings and the street-scene, the proposed two storey rear extension lacks subservience and would be excessively large and bulky.

The proposed extension would occupy the entire rear yard and be viewed as a large expanse of brick wall to Lewis Avenue, representing an undesirable, intrusive feature within the street-scene, which would be detrimental to the visual amenity of occupiers of surrounding properties.

The side elevation of the proposed extension would project significantly beyond the predominant rear building line, with no gap between the rear yard and adjoining alleyway.

The infilling of the rear yard with a two-storey structure and with a street-facing, side elevation that does not incorporate any features, would present a double height brick wall to Lewis Avenue. Due to its size and excessive bulk, this would create a negative, unattractive and imposing feature, which would appear at odds with the street-scene and character of the area.

On this basis, it is considered that in terms of visual amenity, the proposed development does not represent a satisfactory design and would not be consistent with objective contained within saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy or guidance contained within the National Planning Policy Framework (NPPF).

Residential Amenity

Saved policy DC1 of the UDP states that in the determination applications for extension to residential properties, regard should be had to the effect upon the amenity of neighbouring occupiers.

This is echoed by policies DM1 and SP1 of the Manchester Core Strategy which underlines the need to safeguard residential amenity.

In this case, due to the size, scale and mass of the proposed extension coupled with its orientation and close proximity with the adjoining dwellinghouse at No.90 Cobden Street, as well as to the rear facing property to the other side of the rear alleyway at No.71 Goodman Street, the proposed extension would be unduly oppressive and intrusive.

The proposed extension would consume the entire rear yard area and the whole footprint of the site. The extension would extend right up to the common boundary with No.90 Cobden Street dwellinghouse, with a rearward projection of approximately 5.3 metres.

The height and projection of the proposed extension would enclose the neighbouring property at No.90 Cobden Street to the north, would lead to overshadowing of neighbouring residential windows and due the extent and height of brickwork, would create a highly imposing and intrusive feature. This in turn would have a significantly harmful impact to the living conditions of these neighbouring occupiers due to over-dominance, as well as those further beyond to the east of the host terrace along Cobden Street, for which the extension would be highly visible.

In addition, due to the position of the proposed extension up to the rear boundary and the separation distance between the application property and No.71 Goodman Street, the proposed extension would be imposing and intrusive and lead to a potential loss of privacy.

The proposed extension would result in a gap of approximately 4.2 metres to the rear boundary with No.71 Goodman Street and approximately 7.7 metres between the existing first floor, rear window of No. 71 Goodman Street and that of the proposed first floor rear window. This lack of separation distance is substantially less than neighbouring properties and would lead to direct overlooking and a consequential loss of privacy to occupiers of No.71 Cobden Street. Coupled with the imposing nature of the extension due to scale and position, the proposed development would have a detrimental impact to residential amenity.

In light of the above, the proposed extension is considered contrary to saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy and the National Planning Policy Framework (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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed rear extension by reason of its rearward projection, design, relationship with common boundaries, scale and massing, would have an overbearing and intrusive impact to neighbouring residential occupiers, whilst leading to the overlooking of No.71 Goodman Street. The proposed extension would in turn have a detrimental impact to residential amenity, contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

2) The proposed rear extension by reason of its siting, excessive scale, bulk, appearance and lack of subservience to the host building, would form an over-dominant and visually intrusive feature, to the detriment of visual amenity and the character of the street-scene. The proposed development is therefore contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

71 Goodman Street, Manchester, M9 4FD
69 Goodman Street, Manchester, M9 4FD
88 Cobden Street, Manchester, M9 4DZ
94 Cobden Street, Manchester, M9 4EB
90 Cobden Street, Manchester, M9 4DZ
73 Goodman Street, Manchester, M9 4FD

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA