

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136022/FO/2023

Date registered valid: 9 March 2023

Proposal: Erection of a single storey rear extension to existing House in Multiple Occupation (C4 use)

Address: 23 Lees Hall Crescent, Manchester, M14 6XZ

Ward(s): Withington Ward

Applicant: Gun-Why VSHF - Manchester

Agent (if any): Mr Mark Abell Mark Architecture Ltd

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15.05.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25.04.2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 March 2023 Expired: 17 April 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 area

The application property is a two storey semi detached house with front gable wall with white render at first floor and red brick finishes to the front ground and side and rear elevations. There is a small front garden bounded by low level garden wall with driveway and also contains a rear garden. The property is identified as an existing HMO and is in an area that is popular for student living and has a high proportion of similar properties in HMO (C4) use. At the time of the site visit bins were stored within the front garden and a car was parked on the drive. There was a high level of on-street parking evident in the surrounding area.

Description of development

The application proposals which have been amended since they were first submitted are for a modest ground floor rear extension to provide an enlarged kitchen/dining area for occupiers. The extension would project 3 metres from the existing rear wall following the demolition of the original single storey outrigger. The extension would extend across the full width of the property (6.2) have a height to eaves of 2.5m and overall maximum height of 3.6m. The materials used are indicated as being matching brick and roof tiles. The rear elevation would contain a bi-fold door and kitchen window, with no side facing windows proposed in the extension.

The proposed amendments to the roof to provide additional bedrooms have been deleted from the scheme now subject of this application following raised concerns, although it is noted that

similar scale of development could be undertaken utilising the properties permitted development rights.

Consultations & Notification Responses

Councillor Chris Wills - Objected to the proposals as originally submitted due to the large addition to the proposed and the contribution that it would have to over-saturation and over occupancy of properties in the area contrary to policy H11.

Following the provision of an amended scheme follow up comments were provided that the scheme seemed to be an improvement on what was previously provided, requested a condition be added to any approval to ensure that the extension was used for its intended use. He remains concerned about the continued creep of permitted development, though acknowledged that little can be currently done about this.

Local residents

Local residents were consulted, responses were received from the Fallowfield Community Gardens and South East Fallowfield Residents who objected to the original proposals. There concerns were that the street in which the property is located has declined over a period of time due to the use of properties as student HMOs and short term let holiday accommodation. Many of the houses on the street have had extensions to intensify the use and many gardens are left in a state of neglect with major refuse disposal problems. This is demoralising and upsetting for the long term residents that still live in the area.

Parking is a real problem in the area due to intensification of the houses in the area. The originally proposed extensions were indicated as leading to an intensification of the use of the property and noise and activity problems associated with an increase in occupancy.

Policy

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

- Policy DM1 (Development Management);
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy H11 (Houses in Multiple Occupation)

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 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 the 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 a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that 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 original buildings);
- b. They do not create 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 scene by virtue of design, use of materials or construction 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 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 (12 ft) 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).

Issues

Principle of Development - The submitted development is for a modest single storey rear extension to provide an enlarged kitchen and living space for the occupiers of this existing HMO property. It is considered that the principle of the amended proposals, which in itself does not increase the occupancy of the property, is acceptable subject to consideration of the visual and residential amenity impacts of the proposals which are considered in more detail below.

Residential Amenity - It is noted that the adjoining property has a single storey flat roof rear extension. The proposals would sit against the party wall of this extension. Similar extensions have been erected on adjacent properties and the proposed would not be dissimilar in terms of its projection and impacts. It is not considered that given the limited rear ward projection of 3 metres that the proposals would give rise to unacceptable impacts on adjoining occupiers.

Visual Amenity - The proposals are for a single storey rear extension; it is proposed that materials to be used on the external surfaces of the extension would match those of the original dwellings. As such given the limited projection, siting to the rear of the property and materials used, the extension would not give rise to harmful impacts on the visual amenity of the area.

Other matters - Car parking and bin storage at the property are unaffected by the proposals. Whilst it noted that bins are stored at the front of the property at the time of the visit, bins are capable of being stored at the rear/or side and an informative is proposed to remind the applicant of the preference for bins to be stored in these areas when they are not due for collection.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and a revised scheme has been submitted which is thought to overcome issues raised.

Informative

Waste bins at the property should be stored to the side of rear of the property unless they have been put out for collection. A secured ventilated bin store should be provided at the property for the storage of all the waste bins that are stored externally to the property and occupiers should be reminded of the need for bins to be stored in the designated area at all other times.

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:

- Existing and Proposed; Elevations and Sections reference 23LHC02b
- Block and Location plans reference 23LHC03a
- Existing and proposed floor plans reference 23LHC01b

All as received on the 4th May 2023

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

3) The materials used to construct the external elevations of the extension hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The development hereby approved shall be carried out in accordance with 'Drawing- Existing and Proposed- Floor Plans reference 23LHC01b', as received by the City Council as Local Planning Authority on 4th May 2023, in relation to the intended internal configuration of the extension and ground floor and shall remain in place thereafter whilst the dwelling remains in use.

Reason- To ensure the configuration of the dwelling is acceptable to the City Council as local planning authority, pursuant to policy H11 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

34 Lees Hall Crescent, Manchester, M14 6YA
32 Lees Hall Crescent, Manchester, M14 6YA
30 Lees Hall Crescent, Manchester, M14 6YA
25 Lees Hall Crescent, Manchester, M14 6XZ
21 Lees Hall Crescent, Manchester, M14 6XZ
Bodey Medical Centre, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 2, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 4, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 6, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 8, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 28, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 29, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 30, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 31, 28 Ladybarn Lane, Manchester, M14 6WP
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Flat 9, 28 Ladybarn Lane, Manchester, M14 6WP
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Flat 5, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 3, 28 Ladybarn Lane, Manchester, M14 6WP
Flat 1, 28 Ladybarn Lane, Manchester, M14 6WP
28 Ladybarn Lane, Manchester, M14 6WP

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