

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135727/FH/2022

Date registered valid: 12 December 2022

Proposal: Erection of a single storey rear extension to form additional living accommodation

Address: 2 Seedley Street, Manchester, M14 7WF

Ward(s): Moss Side Ward

Applicant: Mr Tyrone Fairweather

Agent (if any): Mr Dave Trudgeon Conway Architectural Design

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 6th February 2023

Application details

Type of application:	Full Householder Application
Development type:	Householder
Date of site visit:	30 January 2023
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	Printed: 4 January 2023 Expired: 25 January 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 site relates to a two storey end terraced property in the Moss Side ward area of Manchester. The entrance to the property faces Kippax Street. Boundary treatment comprises brick wall and decorative railings to the front, timber access gates to the side and rear and brick wall to the rear.



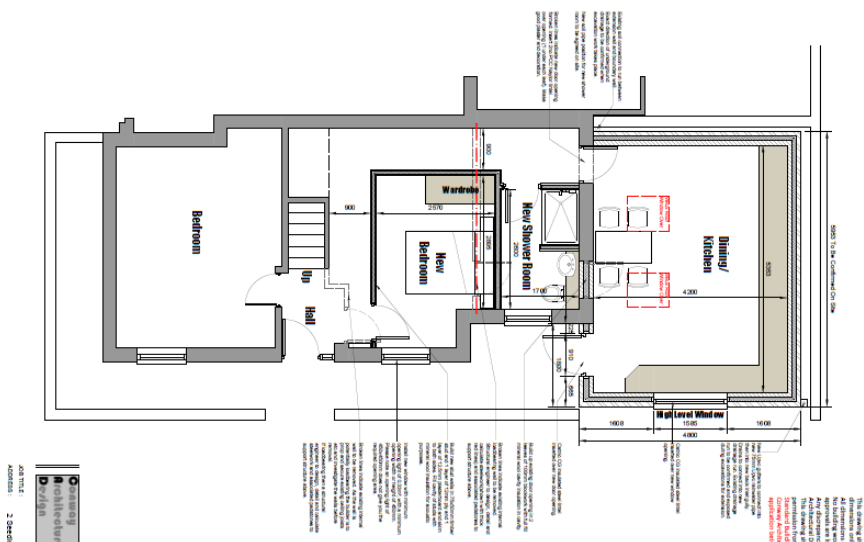
Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in nature and has undergone regeneration activity in the past 10-15 years to broaden the range and nature of family type accommodation with the area.

Description of development

The applicant is seeking planning permission for a single storey rear extension to form additional living accommodation.



Consultations & Notification Responses

Local residents and interested parties – One letter of representation has been received in respect of this application. Summary of comments as follows:

Platt Claremont Residents Association - represent residents in the East side of Moss Side ward.

- There is no space left in the ground plan once the extension has been built . I understood that the extension must not cover more than 50% of the available space round the property.
- There would be no room for bins to be stored anywhere within the curtilage - at the moment there are container bins, but many streets in Moss Side have been changed back to individual bins - hopefully short term but for at least 6 months, so that the alleys can be tarmacked where the bins are.
- The front ground floor room is labelled as a bedroom - this could be a large family, but it concerns me that it may be being used as an HMO without permission.
- The scale of the development should be reduced.

Policy and Issues

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

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles

- o Policy H11 – Houses in Multiple Occupation
- o Policy EN1 - Design Principles
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered that the proposal does not accord with the principles of this policy document.

Principle

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers. The property is in use as a HMO as confirmed by the applicant during the assessment of the proposal.

In this instance the principle of the proposal is not considered acceptable and it is believed that there are factors of sufficient weight that would warrant refusal of the application.

On balance, the proposed extension is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and H11 of the Manchester Core Strategy.

History

There have no previous applications relating to this site.

Plans considered

Existing

Received on 12th December 2022 numbered 646-02 Existing Ground Floor Plan

Received on 12th December 2022 numbered 646-03 Existing Roof Plan

Received on 12th December 2022 numbered 646-04 Existing Elevations

Received on 12th December 2022 numbered 646-01 Existing Site Plan

Proposed

Received on 12th December 2022 numbered 646-01 Proposed Site Plan

Received on 12th December 2022 numbered 646-06A Proposed Ground Floor Plan

Received on 12th December 2022 numbered 646-07A Proposed Roof Plan

Received on 12th December 2022 numbered 646-08 Proposed Elevations

Residential Amenity

Permission is sought for the erection of a single storey rear extension to provide additional living accommodation. The applicant has confirmed that the property is a long established HMO, however the number of bedrooms have not been confirmed at the property as the existing and proposed floor plans show the ground floor only. Concerns have been raised by a local residents group with regards to size of the extension and loss of space to the rear, bin storage and occupancy.

The extension would be sited across the rear wall of the property with a projection of 4.8m which would occupy the whole rear yard area. The height proposed would measure 3.890m and would have a mono pitch sloping roof with the inclusion of two roof lights. One high level window is proposed on the side elevation facing Kippax Street. No windows are proposed on the rear or side adjacent to the adjoining property no. 4.

The submitted drawings show the room created would comprise a kitchen/dining area with an additional bedroom and shower room occupying the existing kitchen and dining area. The proposed extension would result in a significant increase in the floor plate of the property which would result in the loss of suitable private outdoor amenity space for the property and occupiers. Overall, this would result in overdevelopment of the site.

Intensification

In terms of the property being in use as a house in multiple occupation, the Councils policies seek prevent the over intensification of HMO's within this area and this includes the enlargement of existing HMO's. Whilst the proposal as drawn does not annotate the existing number of bedrooms, the increase of bedspace to the ground floor shown on the proposal could facilitate such an increase with the potential of one additional person living in the property.

On balance, the proposed extension is considered in terms of size and its position cannot be acceptably accommodated at the application property and is considered that the proposal would interfere with the existing characteristics of the area and therefore is considered would not accord with Core Strategy Policy DM1, H11 and SP1 and saved policy DC1 of the UDP.

Scale and Mass and Design

In terms of the size and footprint of the proposed single storey rear extension is believed to provide an overbearing impact upon the residential amenities of the existing property. It is therefore considered that the design, scale and appearance of the proposed extension is not satisfactory and does not accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Refuse Storage

Although there would not be any space retained to the rear for the storage of refuse bins, it was noted during the site visit that there are communal bins to the rear of the properties for all the residents.

Parking

The existing car parking arrangements are unaffected by this proposal.

Conclusion

For the reasons explored above, it is considered that the proposal would lead to an unacceptable loss of residential amenity and character to the area, thus acting against the principles set out within policies DC1 of the UDP, DM1, EN1, H11 and SP1 of the Core Strategy and the NPPF, hence the proposal cannot be supported by the City Council.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights

posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The impact of the proposed single storey rear extension would result in the loss of useable outdoor private amenity space to the original dwellinghouse. The proposal therefore represents an over development of the site to the detriment of the character and visual amenity of the area. The proposed development is therefore contrary to the provisions of saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

2) The extension to an existing house in multiple occupation would facilitate the increase in occupancy due to the creation of an additional bedroom which would have a detrimental impact on the sustainability and character of an area in which there is a high concentration of houses in multiple occupation and would therefore be contrary to the provisions of policies SP1, H11 and DM1 of the Core Strategy of the Local Development Framework. The guidance contained in paragraphs 11, 12, 13 and 14 of the National Planning Policy Framework supports refusal of the application.

Appendix 1 – List of consultees & neighbours notified

49 Kippax Street, Manchester, M14 7NF
1 Rawcliffe Street, Manchester, M14 7NH
4 Seedley Street, Manchester, M14 7WF
74 Kippax Street, Manchester, M14 7WE
68 Kippax Street, Manchester, M14 7WE
54 Kippax Street, Manchester, M14 7WE
47 Kippax Street, Manchester, M14 7NF
3 Seedley Street, Manchester, M14 7WF
1 Seedley Street, Manchester, M14 7WF
72 Kippax Street, Manchester, M14 7WE
70 Kippax Street, Manchester, M14 7WE

Appendix 2 – Planning constraints

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M