

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135893/FO/2023

Date registered valid: 30 January 2023

Proposal: Erection of first floor rear extensions together with the installation of front and rear roof dormers in association with the formation of 4no. apartments on first floor and within roof space

Address: 220-222 Fog Lane, Manchester, M20 6EL

Ward(s): Didsbury East Ward

Applicant: Mr Amit Comar

Agent (if any): Mrs Dawn Winterbottom, Plans Drawn

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Refusal

Date of recommendation: 22.03.2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 10 March 2023

Standard consultations:

Printed: 14 February 2023 Expired: 7 March 2023

Neighbour notifications

Printed: 14 February 2023 Expired: 7 March 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application property relates to a non-listed end terraced property within a parade of 12 terraced properties each with separate commercial units on the ground floor and what appears to be residential dwellings on the upper floors.

The property is brick built with a two storey outrigger and a large single storey flat roof extension that appears to be unauthorised as there is no record of planning permission being obtained, the extension runs the whole way to the rear boundary and acts as a double frontage along the side elevation with a shutter and door placed in the elevation for a commercial unit (See Figure 1.)

The site is located within a mixed use area with residential neighbourhoods located to the south of the application site.

Description of development

The application is seeking planning permission for the erection of first floor rear extension together with the installation of front and rear roof dormers in association with the formation of 4 no. apartments on first floor and within roof space. Access to the flats would be via proposed doors along the side elevation facing onto Elmsmere Road.

To facilitate the change it is proposed elevational alterations to insert new fenestration elements along the side and rear elevations, alongside the erection of the front and rear dormers.

Refuse storage will be proposed along the rear boundary line and no off street car parking is provided.

Consultations & Notification Responses

Local residents were notified and several objection letters were received. They are summarised below:

Waste: The alleyway behind Norwood Avenue already has a significant rubbish problem. There is regular illegal dumping and there is an ongoing problem with residents of Norwood Avenue and the businesses on Fog Lane not collecting their bins or with leaving bags of rubbish which attract vermin and spill out onto Elmsmere Road. The addition of 4 new households will surely make this situation much worse. It will not be possible to provide storage for 4 new sets of bins in this already overcrowded space.

Parking: Parking on Elmsmere Road and Norwood Avenue is already crowded, and is a problem for residents. The double yellow lines at the end of Elmsmere Road (outside the proposed new development) are routinely ignored, with illegally parked cars causing traffic problems on a daily basis. This problem will only get worse if 4 more residences are added.

Standard of Accommodation: Serious concerns about the quality of housing if 4 new apartments are created in such a small and crowded location. Private renters are being priced out of areas like Didsbury and have little or no power to choose the quality of homes they live in if they want to stay. The creation of 4 tiny apartments in an area that does not have the infrastructure to properly support 4 more households seems to be a move that benefits only the landlord, at the expense of the existing and new residents' quality of life.

Overlooking: The rear extension proposed would directly overlook all the gardens of the properties on Norwood Avenue, significantly reducing privacy levels for neighbours.. The building work is also likely to be very disruptive to a large number of households.

Overshadowing: A significant first floor extension with front and rear roof dormers would block out a lot of light to the back of properties along Norwood Avenue.

Highways Comments:

The site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of local bus and rail services. It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.

No on-site car or cycle parking is proposed which gives rise to concern given the number of additional units being provided and the existing high demand for on-street parking.

With regard to waste management, it is not currently clear whether sufficient space has been allocated for residential waste bins, and in the absence of any further details it is assumed that waste will be collected from the alleyway to the side of Elmsmere Road.

Pedestrian access arrangements are acceptable to Highways.

Construction Management Plan should be included as a condition as part of any approval.

Environmental Health Comments:

Had no objections to the proposal and recommended the following conditions be attached to any approval: Construction Working Hours, Residential sound insulation, Waste

Policy

The following policy and guidance are considered relevant to the consideration of this application:

- Policies DM1, SP1, T2 of the Manchester Core Strategy
- Saved policies DC1, DC5, DC26 and E3.5 of the Unitary Development Plan
- The Guide to Development in Manchester (SPD);
- Residential Quality Guidance;
- National Planning Policy Framework (NPPF);

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.

Policy T2 (Accessible Areas of Opportunity and Need) requires that adequate car parking is provided for new developments. The Council will take the circumstances of each proposal into account to establish what level of parking is appropriate

The following saved policies are also considered relevant:

Saved Policy DC5 (Flat Conversions) - The Council will have regard to the standard of accommodation, the effects upon adjoining occupiers, the adequacy of car parking, the general

effects upon the character of the neighbourhood, access arrangements, refuse storage and private outdoor amenity space.

Saved policy DC26 (Noise) of the UDP states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

Saved policy E3.5 - The Council will promote measures which will lead to a safer environment for all people living in and using the City. These measures will include:-

- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) designing landscaping schemes so as to minimise the risk of attack;
- c) that community facilities are located where they are easy and safe to get to;
- d) providing safe places for children to play;
- e) improving road safety.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Manchester Residential Quality Guidance (2017)

This City Council document is a material planning consideration in the determination of planning applications for new residential uses and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

National Planning Policy Framework (2021)

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.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Issues

Principle

The principle of the proposed use is not considered acceptable.

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.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is believed that the proposed would create a poor standard of accommodation resulting in sub-standard living conditions with poor quality associated amenity for the proposed and nearby occupiers.

On this basis the proposed development is considered contrary to saved policies DC1, DC5 and DC26 of the UDP, policies DM1, SP1, T2, EN16 and EN19 of the Core Strategy, Manchester Residential Quality Guidance, The Guide to Development (SPD) and the National Planning Policy Framework.

The issues are outlined further below.

Residential Amenity

Saved Policy DC5 of the of the UDP states that for proposals involving flat conversions, the Council will have regard to the standard of accommodation and the effects upon adjoining occupiers.

Policies DM1 and SP1 of the Core Strategy indicate further that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents.

In amenity terms, the main concerns relate to increased activity, overbearing and loss of privacy elements to neighbouring occupiers, noise and disturbance and pressures upon local parking provision.

The impact upon residential amenity is two-fold, involving the general impact upon the living conditions of existing and near occupiers and more specifically, the impact upon the amenity of the occupiers of the proposed scheme.

Taking the general impact, it is considered that the addition of 5 apartments alongside the erection of the rear and front dormer to an application site already in use as a retail property (Class E). This application and the proposed scheme would result in an over-intensive use.

It is considered that existing development already suffers from a lack of off-road parking with the creation of flats would only exacerbate the existing on-street car parking levels leading to increased competition for on-street car parking spaces and parking difficulties to the detriment of residential amenity.

The addition of further occupiers with independent lifestyles would lead to an increase in pedestrian and vehicular activity at the site, with the potential to cause unsatisfactory levels of noise and disturbance. The increased comings and goings would serve to have a negative impact upon the living conditions of surrounding residents to the detriment of their amenity.

Residential occupiers should also be entitled to some area of either private or communal amenity space in line with saved policy DC5 of the UDP and policies DM1 and SP1 of the Core Strategy which indicates that consideration should be given to effects of development upon the amenity, living conditions and well-being of residents.

The proposal offers little to no private amenity space within the curtilage of the property given the existing single storey rear extension alongside the proposed waste storage area occupies

the majority of the floorspace to the rear of the property, therefore there is minimal space and room for communal amenity space that would be suitable for multiple occupants to relax and feel comfortable within the host's boundary. This in turn would have a negative effect upon the living conditions and the general amenity of residents. The creation of flats with no overall benefit to the existing development within the site in terms of standard of accommodation or appearance of the development would in its totality create an undesirable form of accommodation.

Further, objections were received in relation to the proposed scheme's overbearing appearance and the significant loss of privacy implications residents due south along Elmsmere Road would experience. Given the short distance between the rear elevation of the proposed flats and the neighbouring properties' own private amenity space it is deemed significant to warrant a refusal. Neighbouring properties from the additional fenestration elements associated with the proposed scheme would experience significant residential amenity impacts upon their front and rear amenity space and would therefore fail to comply with Core Strategy Policies DM1 and SP1.

Standard of Accommodation

Saved Policy DC5 of the Unitary Development Plan states that in determining applications to convert properties to flats, regard should be had to the standard of accommodation for the intended occupiers of the premises.

Policies DM1 and SP1 of the Core Strategy indicate further that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents.

In this case, the proposal flat represents the type of accommodation that the City Council aspires to move away from.

It is considered that the proposal would result in a poor standard of accommodation and which in turn would negatively affect the well-being of future occupiers. The City Council has concerns relating to the primary access being located along the side facing elevation along Elmsmere Road and not the principal elevation along Fog Lane. This scheme prevents a sense of place and arrival for the residents alongside additional security risks. In essence, it is maintained that the cumulative impact of increased activity, coupled with a lack of amenity space for the application site all points to a poor standard of accommodation. For this reason, the proposal is considered unsatisfactory.

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: REFUSAL

Article 35 Declaration

Officers have worked with the applicant / agent 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 erection of first floor rear extension together with the installation of front and rear roof dormers in association with the formation of 4no. apartments on first floor and roofspace would lack unsatisfactory access arrangements and amenity space, resulting in an unacceptable standard of living accommodation for the intended occupiers of the premises. The proposal is therefore contrary to policy DC5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.
- 2) The proposed flat conversion alongside erection of a first floor rear extension would result in an over intensive use of the property with a consequential increase in the levels of activity, loss of privacy implications to neighbouring occupiers, and associated noise and disturbance. The resultant activity would be harmful to the amenity and living conditions of existing and neighbouring residential occupiers, contrary to saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy.
- 3) The proposed erection of first floor rear extension together with the installation of front and rear roof dormers by reason of its scale, siting and relationship with neighbouring properties, would have an over-bearing and over-dominant impact, harmful to the living conditions of the neighbouring occupiers and would be an incongruous feature within Fog Lane and Elmsmere Road's streetscene. The proposed development is therefore contrary to policies DM1, SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

5 Norwood Avenue, Manchester, M20 6EX
4 Elmsmere Road, Manchester, M20 6FL
1 Elmsmere Road, Manchester, M20 6EY
224A Fog Lane, Manchester, M20 6EL
Basement Flat, 226 Fog Lane, Manchester, M20 6EL
163A Fog Lane, Manchester, M20 6FJ
228A Fog Lane, Manchester, M20 6EL
224 Fog Lane, Manchester, M20 6EL
159A Fog Lane, Manchester, M20 6FJ
161A Fog Lane, Manchester, M20 6FJ
226A Fog Lane, Manchester, M20 6EL
228 Fog Lane, Manchester, M20 6EL
163 Fog Lane, Manchester, M20 6FJ
157 Fog Lane, Manchester, M20 6FJ
1A Elmsmere Road, Manchester, M20 6EY
3 Norwood Avenue, Manchester, M20 6EX
1 Norwood Avenue, Manchester, M20 6EX
2A Elmsmere Road, Manchester, M20 6FL
2 Elmsmere Road, Manchester, M20 6FL
161 Fog Lane, Manchester, M20 6FJ
159 Fog Lane, Manchester, M20 6FJ
155 Fog Lane, Manchester, M20 6FJ
226 Fog Lane, Manchester, M20 6EL
218 Fog Lane, Manchester, M20 6EL

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA