

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135954/FO/2023

Date registered valid: 12 January 2023

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

Address: 76 Ladybarn Lane, Manchester, M14 6YU

Ward(s): Withington Ward

Applicant: Gun-Why VSHF - Manchester

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

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

Recommendation: APPROVE

Date of recommendation: 28.03.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 03 February 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 26 January 2023 Expired: 16 February 2023

Printed: 6 March 2023 Expired: 27 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:

Tree Preservation Order:

Description of Site/Area

The application site relates to an end terraced two storey brick built property situated at the corner junction of Ladybarn Lane and Thorn Grove. The property benefits from an existing two storey outrigger situated along the rear with an area of hardstanding behind. Further, this property is a registered HMO Class C4 dwellinghouse. The area is predominately residential dwellings consisting of family dwellings C3 and student accommodation dwellings Class C4.

Description of development

The application has been revised since the original submission in reducing the overall footprint of the extension and to comply with guidance surrounding extending HMOs habitable rooms. The revised scheme seeks planning permission for the erection of a single storey rear extension to extend the dining/kitchen room area. A following 21 day neighbour re-notification has undertaken as part of the planning process.

Planning History

130206/LE/2021 Certificate of lawful existing use of the property as a C4 House in Multiple Occupation. APPROVED 14.06.2021

Consultations & Notification Responses

Local residents were notified and no responses were received.

Councillor Wills objected to the original submission on the following grounds:

This is a large addition to a property that sits in the middle of an area of high student density. This proposed development will therefore exacerbate issues of over-saturation and over-occupancy. This runs contrary to Core Policy H11. Furthermore, this development sits on the corner with Thorn Grove, where there are long-standing issues with waste management. Increased occupancy would exacerbate this issue.

For this reason we would ask that this application is refused.

Following the proposed scheme and the 21 day renotification period Councillor Wills had no further comments.

Fallowfield & Withington Community Guardians and South East Fallowfield Residents Group objected to the original submission on the following grounds:

The creation of a dormer and extension intensifies use and is contrary to policy H11. Ladybarn Lane already has a high number of HMOs so adding further tenants to another house will further distort the balance and create a less sustainable neighbourhood.

Residents in our group are acutely aware of the harm caused by over intensification of properties on this road. Noise, litter and anti-social behaviour is well documented. There are too many students in HMOs on this road and increasing the size of this HMO will most likely add extra tenants. Parking is also a major problem on these streets during term time. Many students bring a car to University and this means that permanent residents are often unable to park outside their homes.

We respectfully ask you to refuse this application and uphold policies SP1, H11 and DM1 of the Core Strategy to create sustainable neighbourhoods of choice.

Following the proposed scheme and the 21 day renotification period Fallowfield & Withington Community Guardians and South East Fallowfield Residents Group had no further comments.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, H11 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

-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,

-Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

-Appropriate siting, layout, scale, form, massing, materials and detail.

-Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Policy H11 Houses in Multiple Occupation- In areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

Notwithstanding the policy requirements set out above, all proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

Issues

Principle

The principle of building a single storey rear extension to provide additional kitchen room space to the existing dwellings for the benefits of the inhabitants is acceptable, however consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on neighbouring properties' residential amenity.

Residential and Visual Amenity

As mentioned above the proposal has been revised since the original submission with the revised scheme only incorporating a single storey rear extension to extend the kitchen room as outlined in the proposed floor plans ref. 27LL01C. The proposed rear extension would have approx. dimensions of Height 3.3m x Width 3.7m x Depth 3m. The extension would run alongside the shared boundary with no.74 Ladybarn Lane. Given the small scale nature of the extension and the neighbouring property's existing outrigger footprint it is not considered to form an overbearing feature along the shared boundary. Further, given the orientation of the properties along the street it is not considered that the extension would cause significant overshadowing or loss of privacy implications to the neighbouring property. Additionally, no side or rear facing windows are proposed therefore maintaining levels of privacy to neighbouring properties.

The extension would be visible from within the streetscene in Thorn Grove, but it is considered the extension would be subservient to the original dwelling forming a seamless relationship with the original and would have a similar appearance to the original dwelling which are conditioned to match any approval.

Design and Appearance

The proposed extension has been designed sympathetically to relate to the existing property and extension. The proposed extension would match the existing in terms of materials and a condition shall be attached to that effect to any approval. Further, it should be noted that given the dimensions, siting and design of the proposed single storey rear extension it constitutes permitted development as outlined in the General Permitted Development Order 2020. The design of the extension would not adversely affect the appearance of the dwelling, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and Saved UDP Policy DC1.

Other Concerns

It should be noted that the original submission included the enhancement of number of occupancies in this registered HMO however given Policy H11 of the Manchester Core Strategy the planning agent was advised to remove this aspect and for the revised scheme to centre around expanding the existing kitchen area to further enhance the quality of living space for the existing inhabitants. A condition is attached to any approval that outlines the development must follow the proposed floor plans ref. 27LL01C for the enhanced kitchen area.

Conclusion

The proposal accords with policies DM1, DC1, SP1, H11 and NPPF and the revised proposal received no objections. It is not considered to significantly harm the character of the house or visual amenity of the area.

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

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the application.

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 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: Local Plan and drawings numbers:

Drawing: Floor Plans ref. 27LL01C

Drawing: Elevations ref. 76ll02B

All stamped as received by the City Council as Local Planning Authority on 02 March 2023

Drawing: Location Plan

Stamped as received by the City Council as Local Planning Authority on 12 January 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 (2012).

- 3) The materials to be used on the external surfaces of the extension hereby submitted shall match those of the existing dwellinghouse, in type, size, colour and texture.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved Policies DC1.1, DC1.2 and DC1.4 of the 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: Floor Plans ref. 27LL01C' stamped as received by the City Council as Local Planning Authority on 02 March 2023, in relation to the intended internal configuration of the extension being an extended kitchen area and shall remain in place thereafter whilst the dwelling remains in situ.

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

37 Thorn Grove, Manchester, M14 6YJ
74 Ladybarn Lane, Manchester, M14 6YU
Flat 10, Hanover House, Ladybarn Lane, Manchester, M14 6YL
Flat 7, Hanover House, Ladybarn Lane, Manchester, M14 6YL
78 Ladybarn Lane, Manchester, M14 6YU
Flat 6, Hanover House, Ladybarn Lane, Manchester, M14 6YL
Flat 3, Hanover House, Ladybarn Lane, Manchester, M14 6YL
38 Thorn Grove, Manchester, M14 6YJ

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