

Appeal against Manchester City Council

Refusal of Planning Application 134352/FH/2022

1C Cotton Lane

Manchester

M20 4GL

**Erection of a two storey rear extension to form additional
living accommodation**

Appellant:	Brendan Cunningham
Date:	29 th November 2022
Prepared:	PS
Checked:	TP

Statement of Case

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1.0 INTRODUCTION

1.1 RBA Town Planning have been instructed by the Applicant, Brendan Cunningham, of Planning Application 134352/FH/2022 to act on their behalf in the preparation and submission of an Appeal against the decision of the Local Planning Authority to refuse Planning Consent for the proposed development.

1.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. (*National Planning Policy Framework 47*).

1.3 The Application was refused under Delegated Powers on 28th September 2022, for the reasons outlined with the issued Decision Notice, which cites policies contained within the Councils Adopted Plan.

1.4 This Statement sets out the Appellant's Case and makes reasoned justification against Adopted Plan Policies cited within the Notice. This statement should be read in conjunction with the proposed plans and all other documentation submitted as part of the original planning application and attached appendices.

1.5 Given the determination date of the Refused Planning Application it is considered that the Appeal is not outside the prescribed time limits for submission and is lodged under the Written Representation Procedure.

2.0 THE SITE

2.1 The Appeal Site comprises a two-storey semi-detached dwelling with off street parking to front. Gardens are provided to front and rear, with the rear garden providing an area of private amenity space.

Figure 1. The Appeal Site



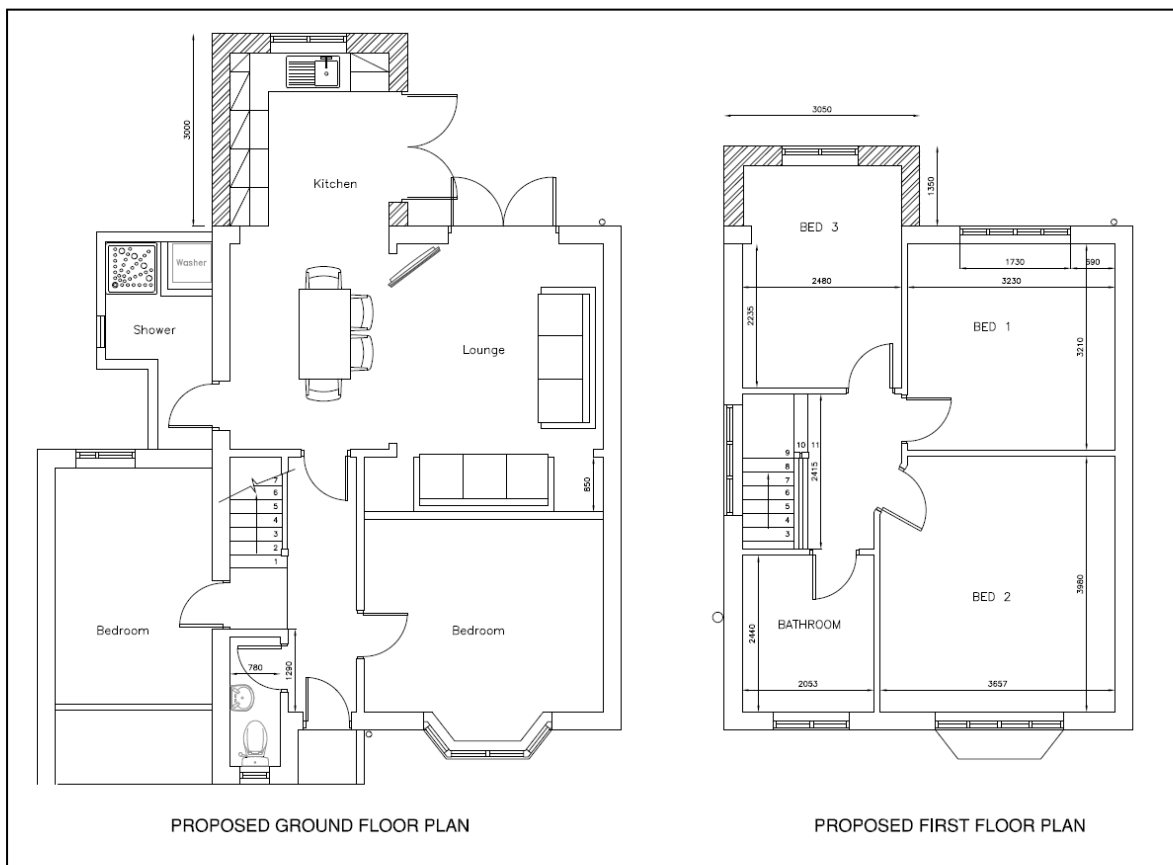
2.2 The site is currently in use as a small HMO with a license for 5 occupants. The current HMO license was issued in January 2020 and expires in 2025

3.0 PROPOSAL

3.1 The Appellant sought Planning Consent from Manchester City Council for the erection of a two storey rear extension. The extension would enable a slight reconfiguration of the ground floor layout, providing an open plan lounge & kitchen/dining area.

To the first floor, the extension provides additional space within bedroom 3, increasing the internal floor space from 8.1m² to 8.6m².

Figure 2. Proposed Floor Plans



4.0 REFUSAL

4.1 The Application was refused under Delegated Powers on 28th September 2022 for the following reasons;

- 1) The proposed development would enable the future creation of additional bed spaces within the property in an area which already has a high concentration of existing HMO's. The consequential increase in the levels of activity and associated comings and goings, noise levels, waste generation and demand for parking, would lead to the over-intensive use of the property which in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers. The proposed development would therefore be contrary to policies DM1 and SP1 of the Manchester Core Strategy

5.0 POLICY

5.1 Core Strategy

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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

- a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

- b) (b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Policy SP 1 Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester, and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

- Development in all parts of the City should: -
 - Make a positive contribution to neighbourhoods of choice including: -
 - creating well designed places that enhance or create character.
 - making a positive contribution to the health, safety, and wellbeing of residents
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity, or income.
 - protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education, and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

6.0 ASSESSMENT

6.1 According to the Decision Notice, the proposal was refused as the LPA believe it would enable the future creation of additional bed spaces within the property.

6.2 It would appear there is no concern from the Council regarding the location, siting, scale or design of the extension as this is not included within the reason for refusal, nor are any concerns noted within the Case Officers Report.

6.3 In the assessment of the proposal, the LPA state:

“The number of bedrooms does not increase in this proposal, only an enlargement both of the kitchen at ground floor and bedroom No.3 at first. However, the enlargement of bedroom 3 creates the potential for additional bed spaces within this room, thus potentially intensifying the use of the property.”

It is considered the enlargement as proposed does not allow for the potential increase in number of bed spaces within the property. The floor space of the room increases by 0.5m² - from 8.1m² to 8.6m². As such, it would not be possible for the space to accommodate two occupants. The HMO guidance (document included as Appendix I) sets out that the national minimum bedroom sizes are:

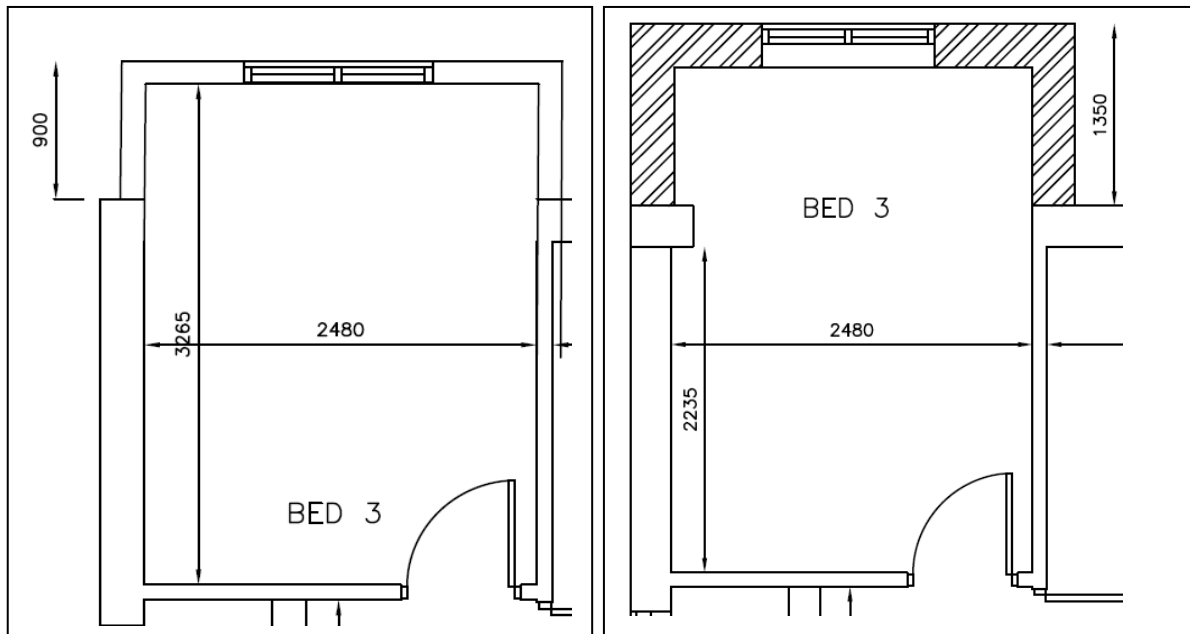
1 Person aged under 10 years	4.64m ²
1 Person aged over 10 years	6.51m ²
2 Persons aged over 10 years	10.22m ²

Mathematically, therefore, it is not possible for additional bed spaces to be created that would adhere to the standards required for bedroom sizes.

6.4 The increase of bedroom 3 is therefore minimal extending by only 45cm from the existing bay window projection. This is shown on the existing and proposed floor plans with

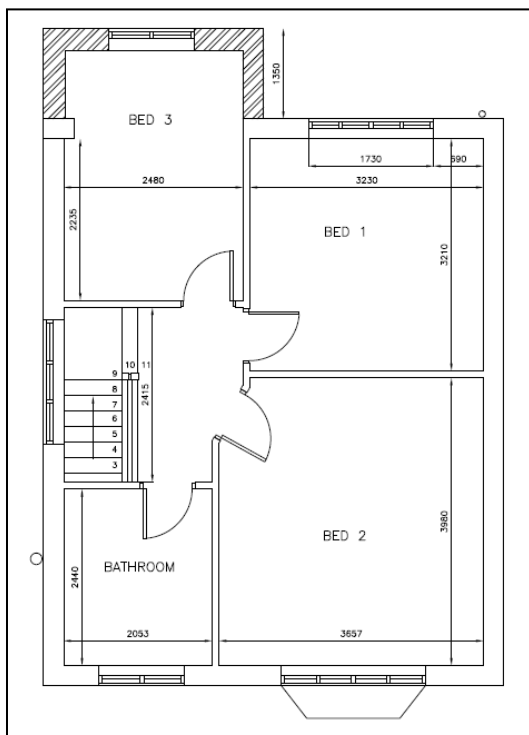
the projection increasing from 0.90m to 1.35m. It should also be noted that internally, the increase is minimal given the proposed 1.35m projection includes a 0.3m thick external wall.

Figure 3. Increase in Projection from Rear Elevation



6.5 Furthermore, on a practical level, it would not simply be the case of sub-dividing bedroom 3 into two separate rooms.

Figure 4. Excerpt of First Floor Plan



The entrance door to bedroom 3 is from the landing at the top of the stairs, with the staircase immediately adjacent to the south wall of bedroom 3. As such, a door could not be inserted on this wall to create another bedroom.

Any such reconfiguration would be such that the floorspace of both rooms would be insufficient.

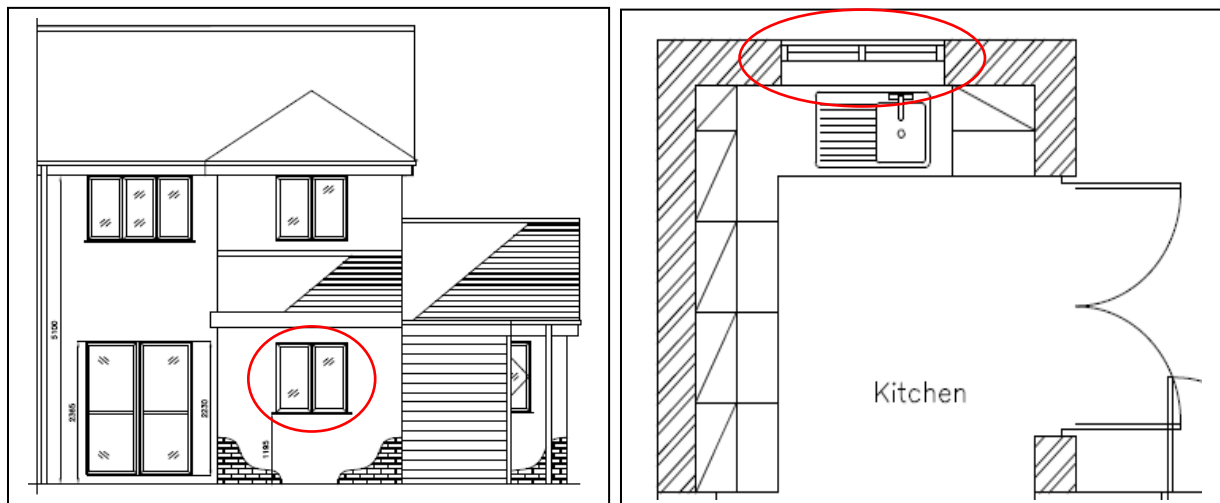
6.6 The majority of the remaining assessment is concerned with potential for additional rooms/occupants (in excess of the 5 occupants that the property is licensed for:

“Additional occupiers in the property would lead to an increase in the levels of noise and disturbance, comings and goings, waste and parking demand from several unrelated households living together, which would exacerbate the existing identified issues with the site. Noise and disturbance cannot be managed by planning conditions; therefore, the Council considers it expedient to limit the amount of floorspace, significant areas of which, (the garage and front living room) have already been converted to bedrooms. It is the Council’s belief that the property already accommodates a number of adults above what is reasonably expected of the original 3-bedroom dwelling and in an area where several adjacent properties have been converted to HMO’s.”

As previously shown, there is no increase to the number of bedrooms within the property and it is not possible to sub-divide/reconfigure bedroom 3 to enable the number of occupants at the property to increase.

6.7 Concern was also raised regarding the noise from open windows being brought closer to the properties directly to the rear of the Appeal Site. The window in question is highlighted on the rear elevation in figure 5 below.

Figure 5. Proposed Rear Elevation



It is considered the opening in the proposed location would have a negligible impact on noise disturbance for properties to the rear of the Appeal Site. The window serves a kitchen which would not be expected to generate significant volumes other than those that would normally occur in a kitchen.

6.8 The LPA also state that approval of this proposal would “*establish a precedent for the same development at No.1D (currently in the Planning system – Ref: 134707) which would give rise to a cumulative impact of noise and disturbance.*”. At the time this statement was created, no such details were available on the LPAs public access portal regarding the aforementioned proposal at the neighbouring property.

Whilst consistency of decision making is a material planning consideration, each proposal must be judged on its own merits. As set out within this statement, however, it must be noted there is minimal impact of noise and disturbance associated with the proposal.

7.0 CONCLUSION

7.1 The National Planning Policy Framework (NPPF) states in paragraph 10 to ensure that “sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development”. The proposal comprises sustainable development when considered against guidance in the NPPF. The framework advises that developments should respond to local character and history and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovations.

7.2 It has been evidenced in the assessment above that the proposed development would not result in the harm considered by the Local Authority and that it does conform in all regards to the Councils Development Plan and guidance within the National Planning Policy Framework.

7.3 It is respectfully requested that the appeal is upheld and permission granted for the proposed development subject to appropriate conditions.