

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134352/FH/2022
Date registered valid: 12 July 2022
Proposal: Erection of a two-storey rear extension to form additional living accommodation
Address: 1C Cotton Lane, Manchester, M20 4GL
Ward(s): Withington Ward
Applicant: Mr Brendan Cunningham 823 Wilmslow Road, Didsbury, Manchester, M20 2SN
Agent (if any):
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 28 September 2022



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 22 August 2022

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 21 July 2022 Expired: 11 August 2022

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/building

The application site is a modern (1980's) semi-detached dwelling house situated on the north side of Cotton Lane, close to Wilmslow Road in the Withington ward. The 3-bedroom property is in use as a 5-bedroom HMO with an HMO Licence issued for 5 people in 2020. Bedrooms 4 and 5 occupy the original ground floor lounge and garage. An extension has been added at the side in white uPVC that accommodates a shower room. (The same has also been added to No.1D adjoining).

The property has a 7-metre long rear garden that is shared with No.1D, the adjoining half of the semi, and a front lawn with widened driveway alongside. This enables up to 2no. vehicles to be parked side by side off road. The side and rear boundary comprises of a high Leylandii hedge.

There is a 'No Parking' (10am to 4pm) double yellow line traffic regulation order in force along this side of Cotton Lane and Permit Holder only / 3 hour stay parking in a dedicated bay opposite. This is on account of the proximity of the site to Christie Hospital campus facing the site and to the south-west.

Description of area

Aside from the hospital campus to the south and south-west, this side of Cotton Lane is residential. To the immediate west is a public footpath known as Harcombe Road with bungalows fronting onto the footpath. To the rear are 2-storey houses on Chatterton Close and to the east are similar residential houses to the application property. It is noted from the Council's HMO register that Nos.1D, 1E and 1G are all Licensed 5-bedroom HMO's.

Description of development

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

Original Application:

The extension enables enlargement of the rear ground floor lounge to create a lounge-diner and relocates the kitchen to the extension which would be 3 metres deep x 3 metre wide. At first floor, the extension enlarges bedroom 3 from 3.6 metres deep x 2.5 metres wide to 5.3 metres deep x 3.0 metres wide. Bedroom windows are proposed on the rear and west-facing elevations.

The application has been amended to reduce the depth of the extension at first floor to 1.35 metres whilst proposing a kitchen extension of 3 metres. A second notification of the application was carried out and comments for both schemes are set out below the Planning History.

Planning History

An application was approved in 2005 for the installation of a bay window at first floor on the rear elevation (Ref: 075547/FH/2005/S1). This added an additional 800mm of floorspace to bedroom 3.

On a site visit, it was noted that there is a single storey white uPVC side extension that is shown on the floorplans as accommodating a shower room. There is no planning register entry for this development (and the same at No.1D), which would not have met Permitted Development criteria under Class A, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order (As amended) 1990 on account of materials.

Consultations & Notification Responses

Original Scheme

Neighbour Notifications

Objection 1

Object because 3 student houses HMO's adjoin my house. Years of noise, cannabis smoking, bins strewn everywhere for days. This house has 6 students already. Never empty. Extension will almost certainly mean more students residing there=more noise. If granted, likely owner will apply for 1D & 1E too. Not needed. Will be unsightly from my house. Will bring the noise even closer to my house. My garden only a few feet away & my house maybe only 10 feet away. Very upset. People will be able to look more easily into my house & garden. Lack of privacy. Noise & dust if extension is allowed, bad for me in my 80's & a lung disease. Very unhappy & worried as are all the neighbours. OAP bungalows right next door to 1C too. Even if another student doesn't move in, more space will bring more friends/partners & parties.

Neighbour objection 2

I write to oppose the extension application to this student house. I tried online and hope you received it. I'm not technical but wanted you to see just how close to my home the proposed extension would be. Also, you'll see the OAP bungalows right next to 1C as well. I'm really upset about it. So are the neighbours. We've suffered years of student noise from 1C, 1D, 1E & 1G Cotton Lane. The three houses adjoining me have 17 students living there already, plus their friends & partners attending. There's so much noise already on & off even until the early hours 4am 5am when they have parties, including in the garden. We lose a lot of sleep. The plan describes back room as a lounge, but we feel it's a student sleeping there, even the garage is now a bedroom, all to maximise profits for landlord. The mess created is bad, large number of wheelie bins all over the pavement for days. Blocking paths & looking unsightly. My outlook would be severely affected with an extension, it would bring the house far closer to me, plus the noise closer. We can't help feeling the landlord would not seem to pay for an extension without increasing the number of students. Then he'll apply to extend 1D and 1E which he & his family also own. The peaceful enjoyment of my home is in issue, I'm in my 80's having lived here from brand new & tried to make a nice garden & tidy respectful home. The disruption & noise of building work will affect my health too as I have a lung problem. The look of the extension will not look nice either. The comings & goings of students will increase. Smoking cannabis is frequent too. Overall I object to the application. It's made me very worried & upset. I do hope you can take all these objections into account.

Neighbour objection 3

The house is unsuitable for any more HMO's.

The property is converted to house 5 people (students) with the lounge and garage converted to bedrooms. This has also been done to Nos.1D, 1E and 1G owned by the same family.

This is a residential area and houses small drives for 2 cars.

Nos.1C, 1D, 1E and 1G already cause so much stress by the noise - terrible mid-week when we have to get up for work and is causing our elderly neighbour so much stress and anxiety.

Harcombe Road has a pathway that directly faces 1C and there are bungalows for elderly residents who already have to put up with the noise and mess that the number of students already make, and we do not need anymore adding.

If this extension is permitted, then the pathway, which is already dark enough, will have no light and will be overshadowed.

There is no street parking and we live in a restricted permit holder zone (due to Christie Hospital).

The noise and disturbance that residents of Chatterton Close suffer over the past years is unacceptable (parties last 3 days), anti-social behaviour, and littering and mess that is left after the parties, with students refusing to adhere to bin collections and recycling.

All neighbours have complained to the applicant on a regular basis and our local Councillor supports us in this objection.

Neighbour objection 4

I object to the application for a number of reasons:

1. This property is currently let to students and approving this application will increase the noise levels in the neighbourhood. The adjoining properties (1D and 1E) together with 1G Cotton Lane are already let to students and consequently, approving the application will allow the students to invite more guests to the property which will increase the noise levels with their late night parties and loud music and also increase the amount of mess/litter in the back garden and around the neighbourhood
2. The neighbourhood are entitled to live in quiet enjoyment at their property. There are already a number of student let properties on Cotton Lane and approving this application will further disturb the quiet enjoyment as the neighbourhood already have to put up with various late-night parties and loud music when the students occupy the student let properties on Cotton Lane (1D, 1E and 1G).
3. Approving the application is likely to set a precedent for other student let properties nearby (1D, 1E and 1G Cotton Lane) who may subsequently make planning applications to extend those properties and create further noise and further reduce the right to quiet enjoyment.

Ward Councillors

3 Ward Members object:

The application is for an extension at the rear of 1C Cotton Lane, a property which has caused a number of issues for residents on the adjoining Chadderton Close during my time as a councillor.

Residents of the Close regularly raise concerns about noise generated by the three student properties in this part of Cotton Lane, particularly during nice weather as a number of students live there and the noise from the gardens really does carry. I have previously been informed by a resident that the landlord advertises the semi-detached houses almost as one house in order to attract larger friendship groups to live between the two.

There have also been issues with drug use at the property which have affected residents of Chadderton Close, an issue which I did experience first-hand when door knocking there this spring and the heavy smell of cannabis was unavoidable across the Close.

All of these things suggest a landlord who does not take responsibility for the behaviour of his tenants or the impact on the surrounding community. If the landlord cannot take responsibility

for the tenants, he currently has then it is clear that permitting extensions for more tenants to live at the address will only exacerbate issues for other local residents. Even if this record of issues wasn't the case, we generally do not support applications that increase capacity in student HMOs.

We would therefore be seriously concerned about this application being approved. There is no reason for the landlord to be given a green light to squeeze more tenants into this small house.

Amended scheme

Neighbour notification

Objection 1

I have been a resident of Chatterton Close for around 10 years. At present the Close is a quiet, family community. Already there are a number of student properties which back onto the Close from Cotton Lane, including at the address of the proposed works. This often leads to noise and rubbish left at the front of the property. This proposed plan will only lead to an increase in tenants at the property bringing more noise and mess.

We already feel very strongly about the expansion of student housing to Withington which is not in keeping with the kind of area it is.

Objection 2

Please take all previous comments into account.

Concerns remain over this noisy HMO student house. Worries include further occupants or visitors if extended. Noise in actually building it. I'm 89 & not good health. Noise once built. Likely fit more students in. Building will be nearer to my house. If their windows open upstairs or downstairs, it's more noise nearer my garden & home. Aesthetically not look pleasant. If granted will likely lead to 1D and 1E applying. Really upset & worried.

Ward Councillors

3 Ward Members object:

We are still minded to object due to the impact the application would have on the properties it backs on to, and the precedent this would set for the neighbouring HMOs.

Policy

National Planning Policy Framework

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.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Manchester Core Strategy

'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 (2021-2027). 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. Policies of material relevance to this application in the Core Strategy include:

Policy SP1 - Spatial Principles

This policy concerns 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

This policy 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.

Issues

The application has been amended to reduce the depth of the extension at first floor to 1.35 metres and keep the original proposal for a 3-metre-deep x 3-metre-wide kitchen extension at ground floor.

Nos.1C, 1D, 1E and 1G are all registered HMO properties, the Licences permitting a maximum of 5 no. occupiers. In this application, the agent has specified that the proposal is not to enable additional tenants to live in the property which is the main concern of objectors both on the original and revised scheme. However, the terms of the HMO Licence can be amended in future, following any approval that increases floorspace in the property.

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. 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.

Residents and all three Ward Members have identified ongoing issues with the site particularly to do with noise and disturbance from existing tenants living in the property, which could intensify with any additional tenants, a concern that has not been removed by amendments to the scheme.

Concerns have also been raised that the extension will bring sources of noise from open windows closer to residents living at the back of the site on Chatterton Close. The rear garden, which is shared with No.1D, an HMO also in the applicants' ownership, is 7 metres in depth to the rear boundary shared with No.1 Chatterton Close. This gap would reduce to just 4 metres

on any approval of the application and 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.

On the basis of the above, the proposal is contrary to the provisions of Core Strategy policies DM1 and SP1.

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 local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. Concerns were raised with regards to the intensification of the use with attendant comings and goings, noise, and disturbance as a result of the extension, a concern that has not been overcome in the reduction of the first-floor extension. The issues in this case could not be satisfactorily overcome and the application is recommended for refusal.

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

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.

Appendix 1 – List of consultees & neighbours notified

30 Harcombe Road, Manchester, M20 4AT
34 Harcombe Road, Manchester, M20 4AT
32 Harcombe Road, Manchester, M20 4AT
1 Chatterton Close, Manchester, M20 4HX
1D Cotton Lane, Manchester, M20 4GL

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