

## List No. 1

<b>Fallowfield Ward</b>	<b>Application Number</b> 079995/FH/2006/S1	<b>Date of Appln</b> 6th Jul 2006	<b>Committee Date</b> 23rd Nov 2006
<b>Proposal</b>	Erection of a part retrospective single storey rear extension to form additional living accommodation and conservatory and conversion of garage into additional living accommodation including elevational alterations		
<b>Location</b>	167 Yew Tree Road, Fallowfield, Manchester, M14 6FW,		
<b>Applicant</b>	S Ullah 167 Yew Tree Road, Fallowfield, Manchester, M14 6FW		
<b>Agent</b>	A And S Inman Designs 24 Grangethorpe Road, Urmston, Manchester, M41 9H7		

### Description

At their meeting of 26th October 2006 members deferred making a decision in respect of this application and asked the Head of Planning to bring a report to the next meeting addressing the concerns raised by the committee following their site visit. Members were concerned that with the loss of the garage and the erection of the proposed extension the occupiers of the property would be compelled to store refuse/recycling bins at the front of the property, which would prejudice the availability of off-street parking for the occupiers of the property and the impact that the proposed rear extension would have on the amount of private amenity space left for the future residents of the property.

### Issues

Members are concerned that not only would the construction of the extension preclude being able to put the refuse/re-cycling containers in to the rear garden, the loss of the garage would necessitate them being stored on the drive, which would then have insufficient length to accommodate a car resulting in increased demand for on-street parking.

On the second issue of the lack of amenity space, members felt that the original development was high density and that properties were provided with small gardens and that this was reflected in the decision to remove the permitted development rights. The proposed extension whilst complying with policy DC1 in that it projects 3.6 metres (12 feet) would leave a garden only 5 metres deep (16.5 feet) by 8 metres (26.4 feet) wide and it was felt that this would area would be inadequate to meet the needs of the future occupiers. Whilst the City Council does not have a standard for the provision of private amenity space, a consideration in determining applications is the impact a scheme has on the pattern of development particularly the footprint of the development on the site area. In this case approximately 40% of the existing garden would be lost to the extension.

Removal of permitted development rights- members expressed concern that the applicant had failed to make a case for the need for the development in light of the removal of permitted development rights relating to both the conversion of the garage and the erection of the extension.

### Conclusion

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The Head of Planning believes that the recommendation made to the Committee in October was a balanced recommendation and Officers were aware that there could potentially be issues relating to visual amenity and loss of amenity space. Based on this and the concerns raised by members at Committee it is considered that these are legitimate concerns and the Head of Planning believes a case could be made for the refusal of planning permission should members resolve to take this course of action.

Set out below are suggested reasons for refusing planning permission:

1. The proposed conversion of the existing garage would result in a vehicle having to park in front of the house. With the erection of the rear extension the ability to store the refuse/re-cycling bins to the rear would be removed, this will result in the bins being stored to the front of the property and prejudicing the parking space requirements. As such the proposal would create unacceptable pressure for on-street parking to the detriment of highway safety contrary to the provisions of policies DC1, E3.5, T2.4 and H2.2 of the Unitary Development Plan for the City of Manchester.

2. Due to the size of the proposed single storey rear extension and the small nature of the rear garden, the proposal would result in an unacceptably limited garden being retained to the detriment of the amenity of the occupiers of the property. The proposal would therefore be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester 2.

### Description

At their meeting of 24th August, 2006 members deferred consideration of this application in order that they could visit the site. Unfortunately due to circumstances beyond our control the site visit did not take place on 28th September and consideration of the application was again deferred. This is a part retrospective application generated following a complaint about the building works. The application relates to a small two storey end terraced property forming part of a modern housing development at the junction of Yew Tree Road and Whitebrook Road. The development is based on 'City Blocks' and the property has a shallow front garden with a large garden to the rear backing onto a parking court. However, this property has an integral garage behind a 4.6 metre drive. When planning permission was granted conditions were attached removing permitted development rights in respect of the erection of extensions and the conversions of garages into living accommodation.

The work has commenced on site in that the footings have been excavated. Permission is sought for a single storey extension across the full width of the rear elevation. The extension would project 3.6 metres (12 foot) and form a conservatory and additional living room. The existing garage door would be bricked up and a window inserted to form a further living room.

### Consultations

Local residents - Representations have been received from 2 local residents objecting to the proposed development. The grounds for objecting are:-

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1. The objector believes that the permitted development rights were removed to prevent the houses being enlarged and used for multiple occupation.
2. It is believed that the ground floor rooms will be converted into bedrooms to facilitate the use of the property as a shared house.
3. The objector was advised of the intention to use the property as a shared house by the previous owner and the builder. This he believes is confirmed by the creation of a downstairs shower.
4. The proposed use of the house would be detrimental to the amenities of the area and block access to the rear of his property.
5. There will be no parking for the additional residents in an already congested area.
6. The application forms do not adequately describe the development and the footings suggest that the extension at the rear of the garage is longer than the conservatory.
7. The height and length of the extension will be out of character with the area.
8. The objector believes the incorrect forms have been used as the property is no longer a house.
9. Residents are concerned that work has already commenced on site.
10. There is Japanese Knotweed present on the site.

Ward Members - Councillor Amesbury has received representations from a number of residents concerning the proposed works. He notes that work has commenced on site and that whilst this is common it is disrespectful to the neighbours. Councillor Amesbury's concerns are:-

1. Neighbours have been told that the extension is to create a further 3 bedrooms doubling the number of people it can be let to.
2. The house may be deemed a HMO as it can be let to 5 or more people, this is confirmed by the inclusion of a shower room on the ground floor.
3. The increase in the size of the property will add to the already problematic parking problems.
4. The extension will have a detrimental affect on the neighbouring properties in terms of height, potential noise and access to the rear of the property.
5. The area was designated for restricted development, and the application flies in the fact of this, and in addition the foundations will allow a two storey extension.
6. The contractor in carrying out the works damaged fences to the adjoining properties. One of those was repaired.

## **Issues**

UDP The relevant policies DC1 which would normally permit rear extensions that project up to 3.65 metres (12 feet) and ensures that they do not have an overbearing impact on adjoining properties. Policies H2.2 seeks to protect the amenity of the occupiers of adjoining properties from the adverse affects of development.

Principle - The proposed extension is too large to qualify for permitted development, it is however, within the maximum rear ward projection allowed by

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Policy DC1. The conversion of the garage into additional living accommodation whilst resulting in the loss of a parking space would still leave space on the drive for a single vehicle to park, albeit in a parking space that is 0.3 metres (1 foot) shorter than a standard parking bay. The provision of only one parking space is in line with current practice. The principle of the proposed development is therefore considered acceptable.

Residential Amenity - The proposed conservatory which abuts the shared boundary with 165 Yew Tree Road has been modified and the glazing replaced by solid brick wall topped with a small glazed panel. Whilst the extension is due south of the adjoining property the glazed roof and the side panel will reduce its physical impact on the neighbouring property. Whilst any extension in this location would have an impact on the neighbouring property it is not so significant as to justify refusing permission. The proposed extension is separated from 169 Yew Tree Road by a shared passage leading to the rear gardens. 169 will suffer no loss of amenity from the proposed extension.

Car Parking - The development is based on a city block with the majority of properties being provided with a parking space within a secure courtyard at the rear. Certain properties such as the one the subject of this application were provided with integral garages set behind the building line and a drive. In this instance the loss of the garage will not impact on parking provision based on the current practice of providing one space per dwelling.

Shared houses - Concern has been expressed that the owner of the property intends converting it into a 6 bedroom shared house. The Town and Country Planning (Use Classes) Order (as amended) in Class C3 says that 6 or less persons living together does not constitute a material change of use requiring planning permission. Whilst there may be powers available to other parts of the Council, on the evidence currently available there has been no breach of planning control regarding the use of the property and therefore the application must be determined on the basis of an extension to a single family dwelling, in which case the correct forms have been used.

Removal of Permitted development Rights - As with many modern developments the plots sized are smaller than those traditionally found in the area. The removal of permitted development rights is normal in such circumstances to enable the City Council to ensure that any alterations, or extensions, which may not normally require planning permission are given consideration to ensure that there is no adverse Impact on adjoining properties. Such conditions do not preclude development taking place.

Damage to neighbouring properties - Such damage is outside the scope of planning control and is a civil matter between parties involved.

**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 the right to a fair hearing and to this end the Committee 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 Unitary

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Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation APPROVE**

On the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies Dc1 and H2.2 and there are no material considerations of sufficient weight to indicate otherwise.

### **Conditions and/or Reasons**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located pursuant to policies H2.2 and Dc1 of the Unitary Development Plan for the City of Manchester.

3) The development hereby approved shall be carried out in accordance with the drawings numbered 399/12/05 sheet 2 and sheet 3, stamped as received by the Local Planning Authority on 24th July 2007, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies DC1 and H2.2 of the Unitary Development Plan for the City of Manchester.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 079995/FH/2006/S1 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of

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Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted on the application:**

1 Avian Drive Fallowfield Manchester M14 7FT  
3 Avian Drive Fallowfield Manchester M14 7FT  
169 Yew Tree Road Fallowfield Manchester M14 6FW  
165 Yew Tree Road Fallowfield Manchester M14 6FW

**Representations were received from the following third parties:**

169 Yew Tree Road Fallowfield Manchester  
165 Yew Tree Road Fallowfield Manchester

**Relevant Contact Officer:** : Dave Morris  
**Telephone No.** : (0161) 234 4539  
**Email** : d.morris@manchester.gov.uk