

### List No. 3

<b>Old Moat Ward</b>	<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>
	080103/FO/2006/S1	18th Jul 2006	28th Sep 2006

**Proposal** Erection of first floor extension at side and conversion into a separate dwellinghouse

**Location** 1 Stow Gardens, Malvern Grove, Withington, Manchester, M20 1HL,

**Applicant** Mr M Brophy 1 Stow Gardens, Malvern Grove, Withington, Manchester, M20 1HL,

**Agent** AC Architectural Consultancy Hazelwells Building, Station Road, Bamber Bridge, Preston, PR5 6TT

### Description

This application relates to a 2-storey detached property situated on Stow Gardens which is a cul-de-sac. The property is situated on a large site and has a substantial garden area, which is surrounded by mature trees and shrubs. The property has a detached garage and an existing single storey side extension.

Permission is sought for a first floor side extension over the existing extension and conversion of the resulting building into a separate dwellinghouse.

### Consultations

Local Residents - 11 Letters of objection have been received from local residents.

The grounds for objecting are:-

Residents are concerned that due to the narrowness of the road any additional on-street car parking will hamper emergency vehicles and prevent access to driveways of other properties close by.

It is considered that the proposal is over-development of the site and is out of character with other properties in the area.

Residents consider that the proposal would result in lack of privacy as gardens and properties would be overlooked.

There would be noise pollution with increased occupancy and a significant increase in the comings and goings.

Withington Civic Society - Consider that the proposal is inappropriate for the site.

Ward Members - Councillor Brian Harrison has voiced the concerns of local residents and sought assurances that all objectors would be informed by letter of details of Committee and speaking rights. Residents have been so advised.

### Issues

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Unitary Development Plan - This proposal fulfils the requirements of Policy DC1 for residential extensions in that it is not considered to be excessively large or bulky, and it is not out of character with other properties in the area. The proposal has been considered with reference to Policy H2.2 which is relevant to this application and states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters, which the Council will consider in coming to such decisions, will include the scale and appearance of the development.

Regional Spatial Strategy (RPG13) (2003) - Policy DP1 advises that economy in the use of land and buildings is required. New developments should be located so as to make the most efficient use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people to meet their needs locally. The proposal makes use of the existing footprint of the building and it is therefore considered that the proposal generally complies with this policy.

Policy DP3 states that new development must demonstrate good design quality and respect for its setting, including the integration of new development with surrounding land use taking into account the setting, quality distinctiveness and heritage of the environment and the use of sympathetic materials, more eco-friendly and adaptable buildings and community safety and "designing out crime".

Designing out crime - The property is designed to comply with policies on designing out crime in that there is access to the front of the property and there are windows overlooking the street for natural surveillance.

Disabled Access - A condition will be imposed to ensure that the property is capable of being fully accessible.

Principle of the proposal - The principle of the creation of a separate dwellinghouse is considered acceptable if the issues of detail can be resolved.

Parking Provision - The proposal includes off street car parking provision in the rear garden area. Which is based on the current practice of providing one space per dwelling.

Over Development of the property - The proposal is for a first floor extension only which will not increase the foot print of the existing property. The site measures approximately 427 sq. metres (4,596 sq. feet), of which the proposed dwelling would take up approximately 200 sq. metres (2,152 sq. feet) including the parking space, this compares favourably with other site on Stow Gardens which measure approximately 189 sq. metres (2,034 sq. feet). It is considered that the site is more than adequate to accommodate a three bedroom property similar to the existing dwellings on Stow Gardens.

Loss of Privacy/Overlooking - There are no windows proposed in the side elevation. To the rear there is a substantial garden and on the common boundary there are large mature trees and shrubs. It is not considered that there will be any problems of overlooking or loss of privacy.

Overshadowing - Given the relationship of the development to adjacent properties it is unlikely that there would be any overshadowing.

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Design - Acceptable and considered to be in keeping with the existing house.

Conclusion - It is acknowledged that there may be some impact upon the level of residential amenity in terms of comings and goings, but it is not considered sufficient to have a detrimental impact on the amenity of residents.

**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 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 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.

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3) The development hereby approved shall be carried out in accordance with the drawings numbered 01, stamped as received by the Local Planning Authority on 18.07.2006, and revised drawing No. 02A stamped as received by the LPA on 23.08.2006 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.

4) Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

### **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: 080103/FO/2006/S1 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of 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 Malvern Grove Old Moat Manchester M20 1HT  
3 Malvern Grove Old Moat Manchester M20 1HT  
5 Malvern Grove Old Moat Manchester M20 1HT  
3 Stow Gardens Malvern Grove Old Moat Manchester M20 1HL  
5 Stow Gardens Malvern Grove Old Moat Manchester M20 1HL  
7 Stow Gardens Malvern Grove Old Moat Manchester M20 1HL  
2 Stow Gardens Malvern Grove Old Moat Manchester M20 1HL  
74 Burton Road Old Moat Manchester M20 1HN  
76 Burton Road Old Moat Manchester M20 1HN  
78 Burton Road Old Moat Manchester M20 1HN  
80 Burton Road Old Moat Manchester M20 1HN  
82 Burton Road Old Moat Manchester M20 1HN  
84 Burton Road Old Moat Manchester M20 1HN  
4 Stow Gardens Malvern Grove Withington M20 1HL  
13 Stow Gardens Malvern Grove Withington Manchester M20 1HL  
3 Stow Gardens Malvern Grove Manchester M20 1HL  
Withington Civic Society 9 Rathen Road Withington Manchester M20 4QJ

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

3 Malvern Grove Old Moat Manchester  
3 Stow Gardens Malvern Grove Old Moat Manchester  
5 Stow Gardens Malvern Grove Old Moat Manchester  
2 Stow Gardens Malvern Grove Old Moat Manchester  
74 Burton Road Old Moat Manchester  
76 Burton Road Old Moat Manchester  
78 Burton Road Old Moat Manchester  
4 Stow Gardens Malvern Grove Withington  
13 Stow Gardens Malvern Grove Withington  
3 Stow Gardens Malvern Grove Manchester  
Withington Civic Society 9 Rathen Road Withington

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**Email** : b.sheedy@manchester.gov.uk