

List No. 19

Chorlton Ward	Application Number	Date of Appln	Committee Date
	081978/FH/2007/S1	23rd Jan 2007	31st May 2007

Proposal Erection of a first floor side extension above car port

Location 27 Vicars Road, Chorlton, Manchester, M21 9JB,

Applicant Mr D Butler 27 Vicars Road, Chorlton, Manchester, M21 9JB,

Agent

Description

The application site relates to the side yard of a two storey, semi-detached house at 27 Vicars Road, Chorlton. The property also has front and rear gardens with the front and side of the property being separated by a large gate that runs the full width between the gables of 27 and 25 Vicars Road. The application site is bordered on all four sides by residential properties with 27 Vicars Road forming the last semi-detached property on this stretch of the road. The remainder of the road from 25 Vicars Road onwards, consists of terraced properties.

The proposed scheme relates to a first floor side extension in order to create a bedroom, with the ground floor forming an open ended car port. The entrance to the proposed car port is higher than a traditional car port as this is intended to enable the current owner to park a recovery vehicle off the road. At first floor level the extension includes windows to the front and rear, with the side elevation containing no windows.

The side yard of 27 Vicars Road extends all the way up to gable wall of 25 Vicars Road which also does not contain any windows. The proposed extension therefore extends up to the gable wall of 25 Vicars Road, leaving a gap of approximately 0.5 metres. The original proposal consisted of an entirely bricked side elevation. However, due to the concerns regarding the maintenance of the gable wall of 25 Vicars Road, the proposal was revised so that the first floor extension is supported on three pillars. It is suggested that this will allow sufficient space to enable a ladder to be placed upon the gable wall of 25 Vicars Road if the need arose.

Consultations

Local residents - 8 letters of objection have been received, 7 of which are from the adjoining neighbour at 25 Vicars Road. The objections are summarised below:

If the extension is built, it will completely block out light to my property at 24 Kingshill Road. Further, the properties are very built up to the back of my home, this gap being the only relief with regard to view, appearance and light.

The proposed extension will lead to a very narrow gap between 25 and 27 Vicars Road, which will make maintenance of the gable wall difficult and problematic.

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The proposed foundations to the extension will be within 0.4 metres of the gable wall of 25 Vicars Road. The very act of digging this close to the gable wall would weaken the wall and lead to a deterioration of the physical strength of the wall.

The proposed extension will have a rear window. From this proposed window, the occupants of 27 Vicars Road will have a clear view into the rear garden of 25 Vicars Road, resulting in an invasion of privacy.

The rear window of the proposed extension, the occupants of 27 Vicars Road will be able to view the kitchen of 25 Vicars Road when the kitchen door is open.

The proposed extension will block out a certain amount of light from the rear garden and rear kitchen of 25 Vicars Road.

The proposed extension will alter the appearance of the street. The extension would alter the delineation between the end terraced property of 25 Vicars Road and the new estate of semis starting at 27 Vicars Road.

Ward Members - Councillor Sheila Newman feels that the development has the potential to significantly affect the neighbours and should be determined by the Committee.

Issues

Unitary Development Plan - There are no site specific policies relating to the application site. However, the following city wide policies are relevant to this proposal:

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution

Policy DC1 relates to residential extensions and requires that consideration be given to various factors with particular regard given to the general character of the property and the effect upon the amenity of neighbouring occupiers.

Regional Spatial Strategy - There are no specific policies that are relevant to this application.

Principle of the proposal - The principle of the creation of additional living accommodation and car port on an existing dwellinghouse is considered acceptable. Although there is a fairly narrow gap between the proposed extension and the gable wall of 25 Vicars Road, the occupiers of 27 Vicars Road can already utilise the side yard up to gable wall for car parking purposes etc..

Visual Amenity/Residential amenity - The principle issue is whether the proposal will result in an overbearing appearance in the street scene and whether there will be any detrimental impact on the adjoining occupiers in visual terms or otherwise reduce their amenity.

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The proposed extension is to be set back from the front of the original house by 2 metres and will not project beyond the rear elevation of both 25 and 27 Vicars Road. It is considered that that will prevent any 'terracing effect' and still allow a distinct delineation between the architectural styles of the properties concerned. Further, as the extension will not project further than the rear elevations of both properties, there will be no impact in terms of overshadowing or overlooking of the rear windows. There are also no windows on the gable wall of 25 Vicars Road and therefore there is no impact on this side of the property in terms of overshadowing or loss of light.

Concerns have been raised by the owner occupiers of 25 Vicars Road regarding overlooking of their rear garden and their side, kitchen door by way of the proposed first floor rear window. However, it is not considered that the impact will be any more so than from the existing first floor rear windows of both 27 Vicars Road and the other neighbour at 23 Vicars Road.

Maintenance - Due to concerns regarding the possible maintenance of the gable wall of 25 Vicars Road, the proposal has been revised so that the side elevation is supported on pillars. This will allow gaps for ladders to be inserted if necessary, although if planning permission is granted, this in no way infringes the rights of the landowner, and they are free to grant or withhold consent for anyone to enter onto their land for any purpose.

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

Approve on the basis that the proposal accords with Policies DC1 and H2.2 of the Unitary Development Plan for the City of Manchester 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 -

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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.

3) The development hereby approved shall be carried out in accordance with the drawing stamped as received by the Local Planning Authority on 3rd April 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 Policy H2.7 of the Unitary Development Plan for the City of Manchester.

4) No trade or business shall be carried out in the car port because the use of the car port for trade or business purposes would require a separate grant of planning permission.

Reason

The use of the garage for any use other than ancillary to residential use would constitute development requiring planning permission.

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: 081978/FH/2007/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/notified on the application:

22 Kingshill Road, Manchester, M21 9FY
24 Kingshill Road, Manchester, M21 9FY
26 Kingshill Road, Manchester, M21 9FY
28 Kingshill Road, Manchester, M21 9FY
30 Kingshill Road, Manchester, M21 9FY
32 Kingshill Road, Manchester, M21 9FY

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53 Albemarle Road, Manchester, M21 9HX
55 Albemarle Road, Manchester, M21 9HX
44 Albemarle Road, Manchester, M21 9HZ
29 Vicars Road, Manchester, M21 9JB
25 Vicars Road, Manchester, M21 9JB

Representations were received from the following third parties:

24 Kingshill Road, Manchester, M21 9FY
25 Vicars Road, Manchester, M21 9JB

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