

List No. 15

Fallowfield Ward	Application Number	Date of Appln	Committee Date
	082037/FH/2007/S1	26th Feb 2007	31st May 2007

Proposal Erection of a single storey rear extension and conversion of the garage into additional living accommodation, and the provision of a refuse storage area in the rear garden

Location 167 Yew Tree Road, Fallowfield, Manchester, M14 6FW,

Applicant S Ullah 167 Yew Tree Road, Fallowfield, Manchester, M14 6FW

Agent A And S Inman Designs 24 Grangethorpe Road, Urmston, Manchester, M41 9H7

Description

At the meeting of 12 April 2007 Members resolved to ask the Head of Planning to prepare and submit a further report addressing issues raised by the Committee and to advise them as to whether there are relevant planning considerations that could reasonably sustain a refusal of planning permission.

The Committee were concerned that overturning the originally imposed condition relating to the conversion of the garage into living accommodation would result in a more intensive use of the property and give rise to parking issues in the area.

Issues

This is a small, modern three bedroom end terrace family dwelling, and the erection of the rear extension and conversion of the garage into additional living space would give it the potential for becoming a house with capacity for five bedrooms which could be used either by a large family or a group of individuals living as one household. Members were concerned that as a large house it would have the potential for in excess of five adults to be living in the property at any one time would lead to an unacceptably high level of activity that would have a detrimental affect on the amenity of residents in the area, in terms of the additional comings and goings, noise and demand for refuse/recycling facilities within the curtilage of the site. The over intensification of activity would be compounded by the additional demand for parking, which could only be accommodated on street. It is understood that the owner lets the property and there is no evidence that there are personal reasons for the owner requiring more extensive accommodation for self and family.

The permitted development rights were removed in respect of extensions arising from concerns regarding the potential impact, even a small extension, could have on adjoining properties and the character of the development due to the relatively small plots and house sizes. The removal of the permitted development right in terms of the conversion of garages into additional living space was to ensure that all the accommodation within the development had adequate off-street parking. Within this particular development certain houses were provided with garages and short drives accessed from the surrounding streets. The majority of the properties have parking available within the secure parking area to the rear of the houses. Had the permitted development rights not been removed then the potential would exist for unreasonable levels of

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occupation and use across the whole development thus rendering it an unsustainable community with unreasonable levels of amenity

Conclusion

Planning permission would not normally be required for up-to 6 unrelated persons to live together in a single property, though they should live as a family, ie. as a single letting and with no locks on the internal rooms. However, Members concerns that the intensification of use and the harm that it would cause to the amenity of the occupiers of adjoining and nearby residential properties are material considerations and whilst the recommendation of the Head of Planning remains that Planning permission should be granted, he believes that a case could be made for refusing planning permission on this basis. He further believes that if this application is consented there would be a possible precedent and that the City Council would find it difficult to refuse similar applications from others across the whole development. Given that the development was only acceptable with PD rights removed, then they should not be restored in this case as it will open the door to a change of character across the whole development. Set out below are suggested reasons for refusing planning permission:-

1) The proposed development would result in an over-intensification of activity on the site by reason of the additional comings and goings, increased noise, demand for refuse/recycling facilities and additional demand for on-street parking to the detriment of the amenity of the occupiers of adjoining and nearby residential properties. The proposed development is therefore contrary to the provisions of policies H2.2 and DC1 of the Unitary Development Plan for the City of Manchester.

2) This would be the first extension and garage conversion and would set a precedent for similar alterations to properties within the development. The cumulative effect of which would result in a fundamental change in the character of the development, which comprises small houses on compact plots, to the detriment of the amenities of the residents of the development and the surrounding residential properties. The proposed development is therefore contrary to the provisions of policies H2.2, H2.7, and Dc1 of the Unitary Development Plan for the City of Manchester and the advice contained in the Guide to Development in Manchester which is a supplementary Planning Document.

Description

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.

Permission is sought to erect a single storey rear extension at the rear of the property projecting 2.5 metres into the rear garden and 4.9 metres wide. The

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extension would be 1.9 metres from the boundary with 165 Yew Tree Road and 1.2 metres from the gable wall. The door to the existing attached garage would be replaced with brickwork and a window and converted into additional living accommodation. Space for the storage of refuse/recycling bins is shown in the rear garden accessed along a shared passageway with no 139 Yew Tree Road.

The Committee has previously considered an application for a single storey rear extension projecting 3.6 metres across the full width of the property in addition to the conversion of the garage. 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. Planning permission was refused for the following reasons:-

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.

Consultations

Local residents- Two letters have been received objecting to the proposed development on the following grounds:-

1. To grant planning permission for the conversion of the garage would defeat the object of the condition originally imposed prohibiting the conversion of the garages to living accommodation. There are frequently more than one car parked at the property and photographs have been supplied showing them parked fully on the footpath.

2. The greater occupancy of the property will result in an increase in noise to the detriment of the amenity of other residents. This is exacerbated by the high number of rented properties in the development.

3. Concern is expressed that the proposed development would set a precedent for other properties to extend and encourage them to be rented out rather than be owner occupied. Residents feel that it would be beneficial to have owned homes within the development and the precedent set by granting this proposal may further undermine the number of owners in the development

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4. The information given on the application forms is misleading, no reference is made to the garage conversion, the applicant lists 167 Yew Tree Road as his address and there is no reference to the materials to be used.

5. If the council approves the application conditions are requested relating to, the height and type of roof structure, restricting the width of the extension to maintain the existing side access, matching materials are used, contractors vehicles are prohibited from using the car park at the rear of the houses, Yew Tree Road is not obstructed by contractors traffic and the hours of work during construction and the methods employed by the contractors are considerate to neighbours.

6. The lean-to style of extension would be out of character with other properties as the rear elevations are symmetrical.

Ward Members - Councillor Mike Amesbury referred to his objections to the earlier application namely:-

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.

He feels that the revisions to the scheme shown in the current application are not sufficient to alter his opinion or that of residents that have objected in the past.

Issues

UDP The relevant policies are 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. Policy H2.2 seeks to protect the amenity of the occupiers of adjoining properties from the adverse affects of development.

Principle - The proposed extension would ordinarily qualify as permitted development. It is within the maximum rear ward projection allowed by Policy DC1 and is 1.9 metres from the shared boundary with 195 Yew Tree Road. Access can still be gained to the rear garden to store refuse/recycling bins. The conversion of the garage into additional living accommodation whilst resulting in

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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 - Whilst the proposed extension is due south of the adjoining property its limited rearward projection and distance from the common boundary is sufficient to ensure that there will be no adverse impact on the amenity of the occupiers of 195 Yew Tree Road. physical impact on the neighbouring property. 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.

Refuse storage - In respect of the previous application members were 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 as well as detracting from the visual amenity of the area. The current proposal addresses these concerns by retaining the existing access to the rear garden from the shared passage.

Amenity space - On the issue of amenity space when considering the earlier application, members felt that the original housing 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 previously refused extension whilst complying with policy DC1 in that it would have projected 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. In the revised scheme the footprint of the extension has been reduced from approximately 29 sq metres to 13 sq metres, resulting in an approximate loss of 15% of the garden.

Shared houses - In respect of the earlier application residents expressed concern 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

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property and therefore the application must be determined on the basis of an extension to a single family dwelling.

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 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 accordance with the City Council's Unitary Development Plan, in particular policies H2.2 and DC1 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

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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 399/12/05 sheet 3, stamped as received by the Local Planning Authority on 26th February 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 H2.2 and DC1 of the Unitary Development Plan for the City of Manchester..

4) Before the development hereby approved commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

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: 082037/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:

Engineering Services
Environment & Operations (Refuse & Sustainability)
6 Croasdale Avenue, Manchester, M14 6GU
8 Croasdale Avenue, Manchester, M14 6GU
10 Croasdale Avenue, Manchester, M14 6GU
12 Croasdale Avenue, Manchester, M14 6GU
14 Croasdale Avenue, Manchester, M14 6GU
16 Croasdale Avenue, Manchester, M14 6GU
18 Croasdale Avenue, Manchester, M14 6GU
51 Whitebrook Road, Manchester, M14 6EF
53 Whitebrook Road, Manchester, M14 6EF
55 Whitebrook Road, Manchester, M14 6EF
4 Croasdale Avenue, Manchester, M14 6GU
1 Avian Drive, Manchester, M14 7FT

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3 Avian Drive, Manchester, M14 7FT
49 Whitebrook Road, Manchester, M14 6EF
45 Whitebrook Road, Manchester, M14 6EF
47 Whitebrook Road, Manchester, M14 6EF
169 Yew Tree Road, Manchester, M14 6FW
165 Yew Tree Road, Manchester, M14 6FW
3 Mallowdale Avenue, Manchester, M14 6GT
5 Mallowdale Avenue, Manchester, M14 6GT
7 Mallowdale Avenue, Manchester, M14 6GT
9 Mallowdale Avenue, Manchester, M14 6GT
11 Mallowdale Avenue, Manchester, M14 6GT
2 Croasdale Avenue, Manchester, M14 6GU

Representations were received from the following third parties:

Ward Members Councillor Mike Amesbury
, 169 Yew Tree Road, Manchester, M14 6FW
, 165 Yew Tree Road, Manchester, M14 6FW

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