

List No. 4

Gorton South Ward	Application Number 083048/FO/2007/N2	Date of Appln 1st May 2007	Committee Date 26th Jul 2007
Proposal	Erection of 2 storey single dwelling house attached to side elevation of existing house at 44 Westbourne Range with associated car parking		
Location	Land To The Side Of 44 Westbourne Range, Gorton, Manchester, M18 7LQ,		
Applicant	Miss C Hassall 44 Westbourne Range, Gorton, Manchester, M18 7LQ		
Agent	MT Architectural 24 Martin Close, Denton, M34 3B4		

Description

This application relates to the erection of a two-storey end of terrace dwellinghouse attached to the side elevation of the existing house at 44 Westbourne Range with associated car parking. The area is a predominantly residential area made up of a mixture of semi-detached, quasi semis and terraced housing.

The application site is part of the existing garden of 44 Westbourne Range, the site has hedging around the boundary, which will be retained in part and four mature Poplar trees which will be felled and replaced with new semi mature trees (species to be agreed with the local Authority arboriculturalist). Also as part of the proposal two off road car parking spaces will be created, one to the side of the proposed house and one to the rear of 44 Westbourne Range, with access onto Ashfield Grove.

Application reference: 081847/FO/2007/N2 was refused for the erection of a two-storey detached dwellinghouse with associated car parking. This application was refused on two main points, residential amenity and traffic safety. With regards to residential amenity the following reasoning was given; 'the proposed development by reason of its location, massing and design and its relationship with adjacent properties would be an unduly intrusive feature in the street scene and out of keeping with the character of the area', also 'the proposed development would harm the spacious character, with the loss of open space and trees. There would be an unduly detrimental impact on the visual amenity of the area'

The traffic safety reason was that 'the proposed vehicular access by reason of its width, location and visibility splays are inadequate at this location and are detrimental to pedestrian and highway safety'. Following discussions with the City Council regarding the reasons for refusal this amended application was submitted on 1st May 2007.

The newly proposed house will be set back from the front of No.44 by 0.6m and will form part of an existing terrace of four houses. It is proposed that the facing brickwork will be red multi to match the terrace and the roof shall be finished in tiles to also match the existing.

List No. 4

Consultations

Neighbours

Occupiers of the nearby properties were consulted (see appendix for full list). Fifteen letters of objection were received from local residents; the following issues were raised:

- 1) Increasing the housing density at this location.
- 2) Destruction of open aspect
- 3) Blocking of the visual and audible warning of road traffic - road safety, blind spot
- 4) Increased levels of on-street parking
- 5) Damage/removal of trees, the development would mean that
- 6) Damage to ecosystem by loss of green area
- 7) Blocking sunlight
- 8) Restricting view of front gardens
- 9) Congestion during construction
- 10) Over development

Landscape practice require further details regarding the hard and soft landscaping scheme, however these details will be submitted as part of a planning condition.

After assessing the four Poplar trees Landscape concluded that although the trees provide some landscape visual impact and form part of the streetscape as well as providing a wildlife habitat, particularly for birds, bird nests were identified in the upper tree canopies during their site visit. They acknowledge that Lombardy Poplars are not the most appropriate trees for this location, due to their height. Therefore they support the removal of the Poplars subject to the replanting of replacement trees more appropriate to the site.

Environment and operations trees section commented that there are signs of dead wood and decline in all the trees, the trees form a small group with each tree sheltering its adjacent neighbour and as such if one tree is removed the remaining trees may become susceptible to wind throw. Trees of this age will not tolerate any root disturbance and the proposed development would have a detrimental effect on the trees. Due to the age of the trees and the damage they are causing to the public footpath, environment and operations have no objection to their removal subject to replacement trees being planted.

Head of Engineering acknowledge that the developer will ensure that a 2.0m x 2.0m pedestrian visibility splay will be provided however, it is important that this is achieved and maintained, specifically on the side of the existing hedge. A 2.0m distance of existing hedging (at side of driveway) is to be cut down to leave a maximum height of 0.6m & this must be maintained to provide the required splay. On the basis of the information submitted Engineering Services have no objections to this development.

Issues

Unitary Development Plan - The site lies within a residential area in the South of Gorton. There are no specific allocations for this site within the U.D.P, however

List No. 4

the area policy for the site, GO1, states that in deciding its attitudes to proposals within South Gorton the Council will have regard to the general policies in Part 1 of the plan in order to improve the quality and range of the local housing stock to meet the needs of the community, improve the quality of the local environment and reduce the amount of traffic passing through residential areas so as to improve the safety and the quality of environment.

When dealing with applications of this nature, regard is given to Development Control Policy No. 7 " New Housing Development". Policy DC7 states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

Further housing policies include H1.2, H2.2 and H2.7. Policy H2.1 states that the City Council will ensure that the housing stock contains a wide range of housing types to meet the needs of people who want to live in Manchester. The above should include accommodation designed for disabled people. Policy H2.2 is also relevant and states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and it's impact in terms of noise, vibration, traffic generation, road safety and air pollution. Finally, H2.7 outlines how new housing schemes will be expected to be of a high standard of design and to make a positive contribution towards improving the City's environment. Areas of incidental space should not be formed unless arrangements are made for their proper and enduring maintenance.

Principle - It is considered that the redevelopment of this site for residential use is acceptable in principle. However, the impact of the development on the character of the area and the surrounding residential properties should be assessed.

Siting - The existing properties on the row are set back from the pavement allowing for a front garden area. The proposed house is slightly set back from the existing building line and also extends out further at the rear reducing the impact the house has on the street scene. The rear of the proposed property will not extend beyond the building line set by No. 14 Essex Road along Ashfield Grove. The new house will occupy a large proportion of the existing garden of 44 Westbourne Range, however both the existing house at No. 44 and the proposed property will have off-street parking/ driveways which many other houses in the area do not have. Although the garden at No. 44 will be reduced, this garden and the garden at the proposed house are comparable with the size of the gardens that the existing houses in the area have. Therefore, it is not considered to be overdevelopment of the site and the siting is considered to be acceptable in this instance. Therefore, the Head of Planning considers the siting of this development to be acceptable.

Design, Scale and Massing - The application site is surrounded by semi-detached and terraced houses and the proposal has been designed to replicate the existing row of terraced properties. This is considered to overcome the visually unacceptable nature of the previous proposed detached house for this site

List No. 4

Residential amenity - As the house is attached onto 44 Westbourne range, it is considered that it would not form an unduly intrusive feature in the street scene. As due to its massing and design it will have a more uniformed relationship with adjacent properties and integrate well with the character of the existing properties. It is also considered that the relationship to surrounding properties is appropriate and would not result in undue loss of light or privacy Therefore, the Head of Planning considers that the proposal is acceptable and in line with Policy.

Trees and landscaping - All four of the existing trees are to be felled as part of the development. A tree survey was submitted in support of the loss of the trees, both the Council arboricultural officer and Landscape practice agreed with the felling of the trees, subject to their replacement. Details of landscaping will be dealt with as part of a planning condition. Part of the existing hedging will be retained for boundary treatment, which will minimise the loss of the green space. Therefore, the Head of Planning considers the external appearance of this development to be acceptable.

Disabled access -This development achieves a good level of accessibility. The house is fully accessible to visitors with a level access from outside, with a doorway width of 900mm and all downstairs rooms accessible from the hall, which has a width of 1.4m. The proposal also has a downstairs bathroom. It is considered that the development will provide a reasonable and acceptable level of disabled access.

Highways issues - The proposed vehicular access by reason of its width, location and visibility splays are no longer considered inadequate or detrimental to pedestrian and highway safety. The issues regarding the previous application have been addressed and the scheme is now acceptable and will not create any serious harm to highway safety.

Conclusion - The proposed development is considered acceptable at this location, although the proposed development will occupy much of the side garden at No. 44 Westbourne Range, due to the revisions from the previous application the house is no longer considered to be an intrusive feature or out of character with the street scene due to its design.

The Head of engineering also considers that the development will not be detrimental or dangerous and the issues raised in the previous application have been addressed. The development will provide two off road car parking spaces, as such helping to reduce the number of cars parked along Westbourne Range and Ashfield Grove. The amenity space provided for both No. 44 and the proposed house are appropriate at this location

The proposal is considered to be compliant to policy H2.2 of the Unitary Development Plan for the City of Manchester and therefore recommended for approval.

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.

List No. 4

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 in light of the policies DC7, H2.2 and HC1 of the Unitary Development Plan for the City of Manchester (adopted 1995) on the basis that the proposal would not significantly affect the amenities of the area or highway safety. The proposed development is considered to be subservient within the street scene providing landscaping and car parking for the proposed development. 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) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: 2006/18/01 Rev B, 2006/18/02 Rev B received on 1st May 2007

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority, this scheme should include four semi mature trees. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of

List No. 4

the area, in accordance with policy **** of the Unitary Development Plan for the City of Manchester.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

5) No development that is hereby approved shall commence unless and until samples and specifications of all 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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The proposed access onto Westbourne Range and Ashfield Grove must achieve a visibility splay of 2.0 metres by 2.0 metres as indicated on drawing numbered 2006/18/01 Rev B and the 2m distance of existing hedging (at side of driveway) to be cut down to leave a maximum height of 0.6m shall be maintained and remain so in this way perpetuity, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

List No. 4

In the interests of pedestrian and highway safety, in accordance with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) Notwithstanding the hereby approved plans the development hereby permitted shall not be occupied until a plan indicating the position, design, size, materials and type of boundary fence between the garden of No. 44 Westbourne Range and the proposed dwellinghouse there has been submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the agreed details.

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 in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason

The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in 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: 083048/FO/2007/N2 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:

Chief Executive's Landscape Practice Group
Engineering Services
Environment & Operations (Trees)
65 Laburnum Road, Manchester, M34 2WD
67 Laburnum Road, Manchester, M34 2WD
69 Laburnum Road, Manchester, M34 2WD
71 Laburnum Road, Manchester, M34 2WD
73 Laburnum Road, Manchester, M34 2WD
14 Essex Road, Manchester, M18 7JR
16 Essex Road, Manchester, M18 7JR

List No. 4

18 Essex Road, Manchester, M18 7JR
20 Essex Road, Manchester, M18 7JR
29 Westbourne Range, Manchester, M18 7LQ
30 Westbourne Range, Manchester, M18 7LQ
31 Westbourne Range, Manchester, M18 7LQ
32 Westbourne Range, Manchester, M18 7LQ
33 Westbourne Range, Manchester, M18 7LQ
34 Westbourne Range, Manchester, M18 7LQ
35 Westbourne Range, Manchester, M18 7LQ
36 Westbourne Range, Manchester, M18 7LQ
37 Westbourne Range, Manchester, M18 7LQ
38 Westbourne Range, Manchester, M18 7LQ
39 Westbourne Range, Manchester, M18 7LQ
40 Westbourne Range, Manchester, M18 7LQ
41 Westbourne Range, Manchester, M18 7LQ
42 Westbourne Range, Manchester, M18 7LQ
1 Godfrey Range, Manchester, M18 7LE
3 Godfrey Range, Manchester, M18 7LE
2 Godfrey Range, Manchester, M18 7LE
4 Godfrey Range, Manchester, M18 7LE
6 Godfrey Range, Manchester, M18 7LE
14 Ashfield Grove, Manchester, M18 7SA
16 Ashfield Grove, Manchester, M18 7SA
18 Ashfield Grove, Manchester, M18 7SA
20 Ashfield Grove, Manchester, M18 7SA
22 Ashfield Grove, Manchester, M18 7SA
24 Ashfield Grove, Manchester, M18 7SA
26 Ashfield Grove, Manchester, M18 7SA
28 Ashfield Grove, Manchester, M18 7SA
30 Ashfield Grove, Manchester, M18 7SA
32 Ashfield Grove, Manchester, M18 7SA

Representations were received from the following third parties:

Chief Executive's Landscape Practice Group
Engineering Services
Environment & Operations (Trees)
, 14 Essex Road, Manchester, M18 7JR,
, 20 Essex Road, Manchester, M18 7JR,
, 32 Westbourne Range, Manchester, M18 7LQ,
, 35 Westbourne Range, Manchester, M18 7LQ,
, 37 Westbourne Range, Manchester, M18 7LQ,
, 39 Westbourne Range, Manchester, M18 7LQ,
, 40 Westbourne Range, Manchester, M18 7LQ,
, 41 Westbourne Range, Manchester, M18 7LQ,
, 14 Ashfield Grove, Manchester, M18 7SA,
, 16 Ashfield Grove, Manchester, M18 7SA,
, 20 Ashfield Grove, Manchester, M18 7SA,
, 24 Ashfield Grove, Manchester, M18 7SA,
, 26 Ashfield Grove, Manchester, M18 7SA,
, 28 Ashfield Grove, Manchester, M18 7SA,
, 30 Ashfield Grove, Manchester, M18 7SA,

List No. 4

Relevant Contact Officer: : Helen Milner
Telephone No. : (0161) 234 4578
Email : h.milner@manchester.gov.uk