

## List No. 9

<b>Northenden Ward</b>	<b>Application Number</b> 083629/FO/2007/S2	<b>Date of Appln</b> 26th Jun 2007	<b>Committee Date</b> 17 <sup>th</sup> January 2008
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**Proposal** Erection of a 2 storey dwellinghouse with associated garden at rear

**Location** Land Between 28 And 30 Allanson Road, Northenden, Manchester, M22 4HL

**Applicant** Peter Hunter 47 Shawdene Road, Manchester, M22 4BY

**Agent** Ludlam Associates The Bank, 99 Palatine Road, Didsbury, Manchester, M20 3JQ

### Description

The application was presented to the Wythenshawe Area Committee (WAC) on the 25<sup>th</sup> October 2007. Members deferred the application for a site visit which took place on the 22<sup>nd</sup> November 2007. The application was then reported back to WAC on the 22<sup>nd</sup> November where members recommended refusal of the planning application on the grounds that the proposal would be detrimental to the character and visual amenity of the area and would constitute an overdevelopment of the site.

The application was subsequently presented to the Planning and Highways Committee on the 20<sup>th</sup> December 2007 where members deferred the application for clarify on a number of issues, these were as follows:

1. How the new development would impact on the boiler flue in the side elevation of 30 Allanson Road in respect of building regulations;
2. Whether the close proximity of the development to the window in the side elevation on number 30 Allanson Road is acceptable in building regulations terms;
3. Why there is only a 10cm gap between the new property and numbers 28 and 30 Allanson Road; and
4. The adequacy of the size of the plot for the new dwelling house.

The applicant has provided further information in respect of these matters and the issues have been investigated further in conjunction with the Head of Building Control.

1. The applicants have provided photographic evidence that the flue at number 30 Allanson Road has been removed. The Head of Building Control has indicated that there would be no issue discharging building regulations if this flue has been removed;
2. The Head of Building Control has clarified that there are no building regulations applicable to the relationship that the new dwelling has to the window in the side elevation of number 30 Allanson Road.

The applicant has also reiterated that the window in number 30 Allanson Road is obscured glass and is not a habitable room but a window on the landing.

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It should also be reiterated that the rear of the dwelling is not built up to the property of number 30 Allanson Road. There would be a gap of 1.1 metres between the proposed window, which will also be obscurely glazed, and the window in 30 Allanson Road.

3. The applicants have indicated that whilst technically the dwelling could be built up to the walls of 28 and 30 Allanson Road, cement and mortar would contact the walls of numbers 28 and 30 Allanson Road which would be illegal without their consent. No such consent exists between the parties. As a result, the 10 cm gap is the closest point at which the new dwelling can be built without any building material coming into contact with the other dwellings.

As to whether the gap between the proposed dwelling and number 28 and 30 Allanson Road is appropriate, the Head of Building control has confirmed that there are no building regulations which specify minimum distances between dwellings;

4. The applicant has stated that the plot size for the new dwelling and its garden is 19 metres long and 4.55 metres wide and is similar in size to the other neighbouring house plots in the street scene. The Planning Service has verified this measurement on site. During those site investigations measurements were also taken of the plot sizes of numbers 28 and 30 Allanson Road in order to draw a direct comparison. The width of number 28 Allanson Road measured 4.45 metres and the width of number 30 measured 5.16 metres. As such, it can be concluded that the plot size for the proposal is relative to the plot size of the adjacent dwellings.

Again, there are no building regulations which control plot sizes for new dwellings.

The application site is a plot of land located to the eastern edge of Northenden District Centre. It is situated at the rear of the retail premises at 327 and 328 Palatine Road and sits in between numbers 28 and 30 Allanson Road. The site is currently vacant and has been boarded up to prevent crime and antisocial behaviour whilst improvement works are undertaken to 327 and 328 Palatine Road which was approved under planning permission 078015/FO/2005/S2.

The surrounding area is primarily residential in nature. There are, however, gaps in the street scene which lead to the rear of the retail units on Palatine Road. Allanson Road is characterised by terraced properties. Within certain sections of the road there are a number of semi-detached properties, however, they are not situated within generous plots, with only small front gardens, and they front directly onto the main road. In addition, although they are semi-detached in nature, the plot gap to the side of them is only wide enough to provide servicing access down the side and rear of the properties.

The applicants are seeking planning permission for the erection of a two-storey three bedroomed dwelling house with associated private garden at rear. The design and scale of the proposal is consistent with the style of other properties in the surrounding street scene. There will also be a small walled garden to the front of the property. The rear alley way will also be reinstated to allow servicing for refuse.

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Planning permission had been previously granted in 2004 for the use of the site for refuse storage and unloading for the retail units (072920/FU/2004/S2). However, this consent has never been implemented and has now been superseded by planning permission 078015/FO/2005/S2.

### **Consultations**

Local Residents/ Businesses - 4 letters of objection have been received for this application. The comments can be summarised as follows:

1. The proposed building would negatively affect the visual amenity of the current group of houses;
2. Allanson Road suffers from congestion, street car parking problems, noise and overdevelopment and this proposal would worsen such problems which would detract from the environmental quality of the area;
3. A new dwelling would create demand for at least one additional car on the road as well as the overspill parking from the District Centre shops;
4. The proposed house would only be detached from number 28 Allanson Road by 10 cm. As such, there will be no access will be able to be made for maintenance. The houses at 28 and 30 Allanson road will be at risk of deterioration and damage;
5. Damage to adjoining houses through the construction process;
6. The street scene will be materially affected. The standard gap between semi-detached properties on this section of Allanson Road is 1.8 metres. This gap should be respected;
7. Number 28 and 30 Allanson Road will no longer be semi-detached properties and be made into a terrace;
8. Potential that the land has be designated as open space and should only be used for refuse, storage and delivery for the shops on Palatine Road;
9. The fence that has been erected at the site greatly detracts from the appearance of the street scene and should be removed and the land restored as open space;
10. The window in the side elevation of 30 Allanson Road would be totally obscured;
11. The boiler flue of the side elevation of 30 Allanson Road would need to be relocated;
12. The space is not large enough to build a house and it would be intrusive into the garden of number 30 Allanson Road.

### **Northenden Civic Society –**

Object to the proposal on the grounds that the scheme will be an overdevelopment of the site and out of character with the area. In addition, the gap is far too narrow for a house and would seriously affect the amenities of 28 and 30 Allanson Road.

### **Greater Manchester Police Architectural Liaison Officer –**

Our objective is to limit the length of narrow ginnels (rear alley-ways) as much as possible as these are locations that generate crime. The rear alley way in this scheme is to be re-instated but the gate into the rear garden should be sited facing the end of the alley way i.e. in line with the 30/28 boundary.

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### Crime Reduction Officer –

No comments at the time of writing this report. Any comments will be reported to the Committee.

### Issues

The Unitary Development Plan for the City of Manchester (1995) - The application site is unallocated within the UDP. However, when dealing with applications of this nature, regard is given to policies H1.2, H2.2, H2.7, and E3.5 contained within part one of the UDP. In addition, Development Control Policies Number 7 "New Housing Development" is also applicable.

Policies contained in Part 1 of the UDP, which are applicable to new housing developments, are as follows:

Policy H1.2 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 City Council will not allow development that will have an unacceptable impact on residential areas. The matters which the Council will take into consideration include the scale and appearance of the development and its impact in terms of noise, vibration traffic generation, road safety and air pollution.

Design is also an important factor in the determination of planning applications. Indeed, policy 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.

The redevelopment of vacant sites is encouraged in Policy E3.2. The Council will reduce the problem of derelict small sites, where shape and location would discourage proper maintenance for open space, by encouraging redevelopment.

Policy E3.5 wishes to promote measures which will lead to a safer environment for all people living in and using the City. These measures will include:

- a) Ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) Designing landscaping schemes so as to minimise the risk of attack

Policies contained in part 2 which are applicable are as follows:

Policy DC7 states that the Council will negotiate with developers to ensure that new housing is accessible at ground level, including those who use wheelchairs, wherever this is practicable.

Regional Spatial Strategy for the North West (RSS) - Formerly RPG13- provides planning guidance for the North West Region. Since 2004, the RSS has formed part of the statutory development plan as such the weight to be attached to its policies has increased.

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Policy DP2 seeks to ensure that there is an enhancement in the overall quality of life experienced in the region. In particular, the provision of a high quality of life for this and future generations is encouraged.

Policy DP3 states that new development must demonstrate good design quality and respect for its setting.

The North West Plan (draft Regional Spatial Strategy) - Publicised in January 2006 - provides the future planning framework for the physical development of the region over the next 15 to 20 years.

Policy DP1 seeks to ensure quality in new development. Proposals and schemes must demonstrate excellent design quality, sustainable construction efficiency in resource use and respect for their physical and natural setting.

Other Relevant Policies and Guidance - In considering development proposals, reference is not only made to the UDP, but also other policies and supplementary planning guidance. In this case, these include PPS1, PPS3, Wythenshawe Strategic Regeneration Framework, and "A Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted April 2007)".

PPS1 sets the overarching planning policies on the delivery of sustainable development through the planning system. In terms of design, the document states: -

*"Planning Authorities should plan positively for the achievement of high quality design and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted"*

PPS3 states that residential environments should be about creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

In addition, proposal must also be well-connected to facilities and public transport. Proposals must also be integrated with, and complements, the neighbouring buildings (Para 16).

Policies contained within the Wythenshawe Strategic Framework relate specifically to realising the vision for Wythenshawe which seeks to build upon the areas status as a 'Garden City'. In particular, build upon the uniqueness and the opportunities present in the area by bringing together the positive aspects of its housing and the continued growth of the economy.

Policy H2 seeks to improve, maintain and manage the Wythenshawe housing stock.

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Policy H4 seeks to improve the built form through better design and mix of properties, in particular, address the quality, condition and function of neighbourhoods.

The Guide to Development in Manchester Supplementary Planning Guidance (Adopted April 2007) outlines the City Councils objectives for creating a more attractive, accessible and useable City for Manchester People.

The guidance clearly states that a high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Each new development should therefore recognised the uniqueness of individual areas of the City and these characteristics should be built upon by new developments by having full regard to its context and the character of the area.

Principle – The application is currently a vacant piece of land in a primarily residential area. In addition, the application site is in close proximity to Northenden District Centre where there are a range of amenities such as shops and restaurants and public transport services. As such, the application site is considered to be in a highly sustainable location as prescribed by PPS3.

Although planning permission had previously been granted for an alternative use at the site, it can no longer be implemented as it has been superseded by a subsequent consent for the redevelopment of the shops on Palatine Road.

As such, if the site remains underdeveloped the view into the site from Allanson Road will be the rear of the shops which is not attractive in this primarily residential area.

In summary, it is considered that the proposal is acceptable, in principle, as it conforms to the objectives of PPS3 and will provide a family house which are in much demand in this part of south Manchester.

Consideration has, however, be given as to whether the design and appearance of the proposal is acceptable, scale and mass, impact on residential amenity and car parking/traffic implications.

Design and Appearance – Given that the application site is currently an area of vacant land, in what is an attractive and popular residential area, its redevelopment is welcomed. In determining whether the design of a proposal is acceptable, both PPS3 and Policy H2.7 of the UDP are applicable. The policies state that high quality of design must be achieved so that it enhances an area.

The proposed dwelling will be two-storey in height. The design features of the other properties in the street have informed the design of the proposal, such as, the canopy over the ground floor window and door, rectangular windows and gable roof. This will assist in maintaining the appearance of the street scene.

The dwelling will be erected in between numbers 28 and 30 Allanson Road which are both one pair of a semi-detached property. As the plot size is small, there will only be a gap of 10cm between the new property and 28 and 30 Allanson Road. Visually, this will create a terracing effect as viewed from the street scene.

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Objections have been received from the neighbouring properties over the loss of the appearance of the semi-detached properties and the subsequent impact on the street scene. It is considered that although the space between the semi-detached properties will be lost, as a result of the proposal, the terracing effect created is not out of character with the street scene. Directly opposite the application site is a row of terraces which is a feature prevalent in other parts of Allanson Road.

The final materials have yet to be decided, however, these matters have been conditioned to ensure that they are approved prior to the commencement of the development which will enable a choice of brick and materials to be appropriate to the street scene.

Scale and Massing – The proposal is two storeys in height. It fits neatly within the gap between 28 and 30 Allanson Road. As such, it is not considered to be excessively large or bulky for the plot of land. In addition, the proposal will not be higher than the roof height of number 28 Allanson Road, which ensure that a form of regularity is achieved in the appearance.

Residential Amenity - A number of objections have been received from surrounding properties who are concerned about the impact of the proposal on the visual amenity of the street scene and the fact that numbers 28 and 30 Allanson Road will no longer be viewed as semi-detached properties in their own right.

The proposal is not considered to have a negative impact on the visual amenity or character of the area due to the prevalence of terrace properties along the street.

In addition, concern has been raised regarding the impact, of the building, on the window and flue in the side elevation of number 28. The dwelling has been designed so that the rear of the building does not occupy the full width of the plot. As such, there is a set back at first floor level at the rear which will enable access and light to the window. There is also access to the boiler flue.

An objection has been received in respect of impact of the proposal on the neighbouring rear gardens. It is not considered that there will be any over looking as a result of the proposal. In fact, the installation of a rear garden will tidy the area up and make it more attractive. Should planning permission be granted for this proposal, the permitted development rights will be removed to prevent the property being extended and walls erected, without the prior consent of the City Council, which could then result in a negative impact on residential amenity.

As for maintenance of the external walls of 28 and 30 Allanson Road, matters of this nature are not a planning consideration, and are covered by the provisions of the Party Wall Act. In addition, matters such as the perceived reduction in the value of surrounding properties as a result of new developments is not a material consideration in the determination of planning applications.

Rear Alleyway – The Architectural Liaison Officer wishes for the alleyway to be sited facing the end of the alleyway i.e. in line with the 30/28 boundaries. Unfortunately, the alleyway cannot be repositioned because the area in the

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alley behind is required for the fire escape from the shop and flats at 327/329 Palatine Road.

At present, there is also a fire escape, associated with the retail premises of 327 and 328 Palatine Road, exiting out onto the rear alleyway of the properties along Allanson Road. As part of the redevelopment proposals for the retail premises, approved under planning permission 078015/FO/2005/S2, the fire escape will be removed to make way for the extension and reconfiguration of the properties. It should be noted, however, that as part of these proposals the premises along Palatine road would still have access to the new rear alleyway that will be created as part of this development proposal.

Traffic and Highways Issues – Several objectives have been received in respect of the contribution the scheme will make to on street car parking and congestion in the area. Whilst it is noted that Allanson Road suffers from particular problems, it is not considered that one additional dwelling will have a negative impact. The application is situated in a highly sustainable location near the heart of Northenden District Centre which enables facilities to be walking distance from the proposed property.

Disabled Access – The applicant has provided details to satisfy the guidance contained within Design for Access 2. The door openings (both external and internal) meet the specified criteria. In addition, the property could be adapted in the future to include an access lift up to the first floor bedroom. The ground floor toilet has also been designed for disabled access.

In summary, the proposal provides the opportunity to remove a vacant piece of land which currently detracts from the appearance of the residential area. It will provide a family house which has been designed in accordance with the design for access 2 guidance. In addition, the appearance and design of the proposal will blend in with the common features of the street scene.

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.

**Head of Planning Recommendation - APPROVE**

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Reason for Recommendation – The application is for the erection of a two storey detached house. It is considered that the proposal will provide a much needed family house immediately adjacent to Northenden District Centre. The design of the proposal will ensure that it blends into the street scene.

The proposal accords with the Council's UDP in particular policies H2.1, H2.2, H2.7, E3.5, and DC7, Regional Spatial Strategy for the North West in particular DP2 and DP3, Wythenshawe Strategic Regeneration Framework policies H2 and H4, The Guide to Development in Manchester (Adopted April 2007), PPS1, PPS3 and there are no material considerations of sufficient weight to indicate otherwise.

### Wythenshawe Area Committee Recommendation - Refuse

#### 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: 07.32.P1B, 07.32.P10A, 07.32.P11A, 07.32.P4C, 07.32.P5A, 07.32.P6A, 07.32.P7B, stamped as received by LPA 15.08.2007

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 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 H2.22 of the Unitary Development Plan for the City of Manchester.

4) Before the development commences an acoustic attenuation scheme including particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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5) Notwithstanding the provisions of Article 3 of, and Classes (A-H) of Part 1 of Schedule 2 of the Town and Country Planning (General Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions (including enlargement and alteration to the roof) shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

7) No development shall commence until a scheme for the storage (including segregated waste recycling) 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 residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

8) The window in the elevation which abuts number 30 Allanson Road, as indicated on drawing number 07.32.P6 A stamped as received on the 15th August 2007, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with Policy 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: 083629/FO/2007/S2 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:**

Greater Manchester Police  
Steve Hobson, Crime Reduction Officer

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Northenden Civic Society  
323a, Palatine Road, Manchester, M22 4HH  
Double Life Films Ltd, 321 Palatine Road, Manchester, M22 4HH  
1 Brett Street, Manchester, M22 4EY  
3 Brett Street, Manchester, M22 4EY  
323 Palatine Road, Manchester, M22 4HH  
331 Palatine Road, Manchester, M22 4HH  
The Battered Cod, 333 Palatine Road, Manchester, M22 4HH  
337 Palatine Road, Manchester, M22 4HH  
22 Allanson Road, Manchester, M22 4HL  
24 Allanson Road, Manchester, M22 4HL  
26 Allanson Road, Manchester, M22 4HL  
28 Allanson Road, Manchester, M22 4HL  
30 Allanson Road, Manchester, M22 4HL  
32 Allanson Road, Manchester, M22 4HL  
15 Allanson Road, Manchester, M22 4HN  
17 Allanson Road, Manchester, M22 4HN  
19 Allanson Road, Manchester, M22 4HN  
21 Allanson Road, Manchester, M22 4HN  
23 Allanson Road, Manchester, M22 4HN  
25 Allanson Road, Manchester, M22 4HN  
27 Allanson Road, Manchester, M22 4HN  
29 Allanson Road, Manchester, M22 4HN  
31 Allanson Road, Manchester, M22 4HN  
33 Allanson Road, Manchester, M22 4HN  
321a, Palatine Road, Manchester, M22 4HH  
333a, Palatine Road, Manchester, M22 4HH  
Otten Penna & Co, 339 Palatine Road, Manchester, M22 4HH  
Palatine News, 327-329, Palatine Road, Manchester, M22 4HH  
Transformulas International Ltd, Transformulas House 1a, Brett Street,  
Manchester, M22 4EY

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

Xiayi Ke, 28 Allanson Road, Northenden, Manchester.  
Dr Paul A. Taylor, 26 Allanson Rd., Northenden.  
Nicki Cooper, 30 Allanson Road, Manchester, M22 4HL,  
G E Barrett, 33 Allanson Road, Manchester, M22 4HN,  
Greater Manchester Police  
Northenden Civic Society

**Relevant Contact Officer:** : Jennifer Atkinson  
**Telephone No.** : (0161) 234 4517  
**Email** : j.atkinson@manchester.gov.uk