

List No. 2

Crumpsall Ward	Application Number 085210/FH/2007/N1	Date of Appln 30th Nov 2007	Committee Date 17th Jan 2008
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Proposal Erection of two storey side extension fronting Wilton Road, following the demolition of the existing two storey side extension, with associated works

Location 1 Wilton Road, Crumpsall, Manchester, M8 4NG

Applicant Mr M S Karim, 1 Wilton Road, Crumpsall, Manchester, M8 4NG,

Agent Makin Architecture 3rd Floor, Amazon House, Brazil Street, Manchester, M1 3PJ

Description

The site the subject of this permission is a large two storey detached house located on the corner of Middleton Road and Wilton Road within Crumpsall, a district of Manchester. The house itself fronts onto Middleton Road, a busy main road, but takes its pedestrian and vehicular access from Wilton Road as the house is in an elevated position with a significant drop in levels to Middleton Road. The house is bounded by a high wall and railings around the front and side gardens.

The immediate area is predominantly residential in character with both detached and semi-detached houses along Wilton Road and Middleton Road. A low density block of flats lies adjacent to the northern boundary of the site along Middleton Road (Lovell Court).

SITE HISTORY

There is a lengthy and complex planning history to this site.

Planning permission was granted on 11 February 1997 (ref: 051273/FH/NORTH1/97) for a first floor front extension and rear extensions with a ground floor side conservatory extension at 1 Wilton Road. This planning permission has been implemented.

Following a complaint from a member of the public received on 23 April 2002, an investigation was carried out of the site. This investigation revealed that unauthorised building works were being undertaken, namely the construction of a two storey rear extension, without the grant of planning permission.

A planning application (ref: 064944/FH/NORTH1/02) was subsequently received on 30 April 2002 for a two storey rear and first floor front extensions, front and rear dormer window extensions, and a front and side canopy at ground floor level. The planning application was refused on 10 June 2002 for the following reasons:

(1) The proposed extensions by reason of their prominent siting, excessive bulk and scale, over-dominant appearance within the streetscene and design, would lead to over-development of the site, having a detrimental impact on the appearance of the property and detracting from the visual amenities of the locality, contrary to policies H2.2, DC1.1, DC1.2 and DC1.3 of the Manchester Unitary Development Plan (adopted 1995).

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(2) The proposed extensions by reason of their prominent siting, excessive size, scale and design would appear unduly obtrusive within the streetscene having an unacceptable impact on the residential and visual amenities of occupiers of neighbouring properties, contrary to policies H2.2, DC1.1, DC1.2 and DC1.3 of the Manchester Unitary Development Plan (adopted 1995).

The refusal of the planning application related to the retention of the existing and also proposed building works at the property, including the proposed front and rear dormer windows. A site visit on 12 June 2002 revealed that the unauthorised extension was still in place with building works on-going. An enforcement notice requiring the re-instatement of the land to its former condition by demolishing the unauthorised extensions from the side and rear of the property and the removal of all building materials and rubble from the said land was served on all relevant parties on 27 June 2002. An appeal against the service of the enforcement notice was received by the Local Planning Authority on 8 August 2002. The enforcement appeal was dismissed on 14th January 2003 so that the enforcement notice took effect on 11th March 2003.

The Council has entered into detailed discussions with the applicant to ensure the removal of the unauthorised development. It has become clear that the bathroom and part of the kitchen for the property are located within the unauthorised extension. Therefore, enforcement action has been deferred to allow the submission of plans which are acceptable to the Council and which will enable the Applicant to simultaneously comply with the Enforcement Notice and to provide an acceptable extension to the property.

CURRENT PROPOSAL

Planning permission is now sought for a new two storey side extension fronting onto Wilton Road with an amended footprint, height, scale, mass design and materials to be erected following the demolition of the unauthorised extension currently in place. The extension would provide a study on the ground floor and a further bedroom and ensuite bathroom on the first floor, following the removal of the garage on the ground floor with bedroom above.

Consultations

Local Residents / Businesses - Two letter of objection have been received against this application. The comments made can be summarised as follows:

- 1) The extension will take away the light from the flats in Lovell Court. No 1 Wilton Road is built a lot higher than the rest of the houses and if the roof is going to be as high as the existing house, its going to make the flats very dark.
- 2) Originally complained about the materials used in the extension as they are considered to be an eyesore. Materials used are not in keeping with the brickwork on all the houses. We were not consulted before this extension was built and by the time it was finished it was too late to raise an objection. There is suspicions that it was to be used for flats and there have been people who are not part of the original family living there. What provisions is there for parking? Concerned about flats and the impact this will have on the neighbours.

Issues

Unitary Development Plan

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The statutory adopted plan for this area is the Unitary Development Plan for the City of Manchester (adopted 1995) (UDP). There are no site-specific policies related to the appeal site within the plan. There are, however, relevant policies related to the proposal. These are policies H2.2, DC1.1, DC1.2, and DC1.3. These policies seek to safeguard the residential and visual amenities of occupiers of existing properties and to maintain the character of existing areas.

Policy H2.2 states that the Council will not allow development which has an unacceptable impact on residential areas in terms of the scale and appearance of the proposal. Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to the general character of the property, the effect on the amenity of neighbouring occupiers, the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs, the overall appearance of the proposal within the streetscene, and the effect of the loss of any on-site car parking.

Policy DC1.2 states that extensions to residential properties will usually be allowed subject to the extension not being excessively large or bulky, not creating an undue loss of sunlight, daylight or privacy, not being out of character with the streetscene, and not resulting in the loss of off-street car parking. Policy DC1.3 states that the Council will not normally approve rearward extensions greater than 3.65 metres in depth or two storey extensions with a flat roof especially when visible from the highway.

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

Principle - The principle of a two storey side extension in this location is considered to be acceptable. The property is situated in a residential area that is surrounded by other dwelling houses. The issues that need to be considered are the impact on the appearance of the street scene and on the residential amenity of the surrounding properties.

Visual Amenity/Residential amenity - The principle issues are 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.

The proposed amended extension is both set back from the front of the property and significantly down from the eaves and ridge line of the existing house. It is therefore considered that this will prevent any 'terracing effect' and would allow a distinct delineation between the architectural styles of the properties concerned. It would also significantly reduce the impact of the current unauthorised structure on the surrounding residential properties. It is considered that this reduced height, scale and mass will reduce the overbearing and overshadowing impact on adjacent properties and as there are no windows on the side of the extension, there will be no impact in terms of overlooking on No. 3 Wilton Road. The properties to the rear at Lovell Court are between 25 and 30 metres away from the extension and therefore, it is considered that there will be no impact, especially no loss of daylight/sunlight, created from the new extension. Therefore, the Head of Planning is satisfied that the amended extension is acceptable and will not create an unacceptable impact on the visual or residential amenity of the adjacent properties.

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Materials - Objections have been made against the materials that have previously been used in the existing unauthorised extension. The materials proposed for the rebuilt extension are a facing brick, white render and roof tiles to match this property and those surrounding it. A condition would be included in any approval that requested the submission of material samples prior to their use on site, to ensure that the extension is in keeping with the character of the property and area. It is considered that through the use of more appropriate materials and through the amended design, the visual appearance of the extension will be significantly improved within the street scene and the detrimental impact of the unauthorised structure will be reduced.

Parking - Concerns have been raised about the levels of car parking at the site following the building of the extension. The proposal includes the provision of one off road space on a driveway accessed from Wilton Road in front of the new study element of the extension and this is considered to be acceptable for a single dwellinghouse.

Other Neighbour Objections - Comments have been made about the extension being used/rented separately to the rest of the house. The planning enforcement team has previously investigated this and no breaches in planning were found in relation to multiple occupancy or a separate planning unit being created. The Head of Planning is satisfied that the proposed extension is not designed to be used as a separate residential unit, as it is fully integrated into the existing dwellinghouse. Planning legislation allows a property to be occupied by up to 6 people living together as one household without the need to obtain planning permission. The present occupancy of the application site is described as a dwelling house and the persons occupying the house are living as a single household. If the applicant wishes to divide the existing house into two separate dwelling units in the future, then a new formal planning application would be required for this development. Therefore, there is no action that can be taken under planning law.

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)/objector(s)/resident(s) 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 the 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

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On the basis that this amended proposal for a two storey side extension is considered to be in full accordance with the City Council's Unitary Development Plan (in particular policies DC1.1, DC1.2, DC1.3 and H2.2) in that the amended extension would not have a detrimental impact on the character of this part of the streetscene and would not adversely affect the residential and visual amenities of occupiers of neighbouring properties, 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 twelve months 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: the application forms, and the drawings numbered 1174 E(101), 1174 E(202), 1174 P(101)RevC, 1174 P(102) RevC, 1174 P(200) RevC and the drawing numbered 1174 P(010), stamped as received by the Local Planning Authority on the 3rd December 2007.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H2.2, DC1.1, DC1.2 and DC1.3 of the Manchester Unitary Development Plan (adopted 1995).

3) Notwithstanding the annotations on the approved drawings, 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 policies H2.2, DC1.1, DC1.2 and DC1.3 of the Manchester Unitary Development Plan (adopted 1995).

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: 085210/FH/2007/N1 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 held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

155 Middleton Road, Manchester, M8 4JZ
Flat 1, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 10, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 11, Lovell Court, Middleton Road, Manchester, M8 4LB

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Flat 13, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 14, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 15, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 16, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 17, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 18, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 2, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 3, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 4, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 5, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 6, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 7, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 8, Lovell Court, Middleton Road, Manchester, M8 4LB
Flat 9, Lovell Court, Middleton Road, Manchester, M8 4LB
2 Wilton Road, Manchester, M8 4WQ
4 Wilton Road, Manchester, M8 4WQ
1 Bettwood Drive, Manchester, M8 4JT
2 Bettwood Drive, Manchester, M8 4JT
Flat 1, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 2, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 4, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 5, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 7, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 8, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 10, Hilltop Court, Brooklands Road, Manchester, M8 4JH
Flat 11, Hilltop Court, Brooklands Road, Manchester, M8 4JH
3 Wilton Road, Manchester, M8 4NG
5 Wilton Road, Manchester, M8 4NG
7 Wilton Road, Manchester, M8 4NG
2a, Wilton Road, Manchester, M8 4WQ
126 Middleton Road, Manchester, M8 4JU
128 Middleton Road, Manchester, M8 4JU

Representations were received from the following third parties:

Mrs Rebecca Collins, Flat 3, Lovell Court, Middleton Road, Manchester, M8 4LB

Mrs D Weinstein, 2 Wilton Road, Manchester, M8 4WQ

Relevant Contact Officer : Jeni Wilson
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Email : j.wilson3@manchester.gov.uk