

List No. 4

Northenden Ward	Application Number 085800/FO/2008/S2	Date of Appln 18th Feb 2008	Committee Date 10th Apr 2008
Proposal	Conversion of property into two self-contained flats and creation of two car parking spaces to side of property		
Location	73 Orchard Road West, Northenden, Manchester, M22 4FD		
Applicant	Mr George Mottram, 73 Orchard Road West, Northenden, Manchester, M22 4FD		
Agent	Mr Dean Worrall 78 Grasmere Road, Gatley, Cheadle, Cheshire, SK8 4RS		

Description

This application was previously put before Members of the Wythenshawe Area Committee at its meeting of 27th March 2008 who supported the officer recommendation to refuse the application.

This application relates to a two storey semi-detached house, which has been previously extended at two storey to the side under application reference: 081825/FH/2007/S2. The property sits on the southern side of Orchard Road West at the junction with Kenworthy Lane.

It is proposed to change the use of the property from a single dwelling house into two self-contained flats, with two car parking spaces to the side of the property.

Consultations

Local Residents - There have been no letters of objection received from local residents at the time of writing this report.

Northenden Civic Society - Object on the grounds that the proposal will be out of keeping with the surrounding area.

Head of Environmental Health - has recommended 2 conditions be added to any approval, one relating to noise the other relating to segregated waste disposal.

GMP Architectural Liaison - No comments received at time of writing this report.

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 and E3.5 contained within part one of the UDP. In addition, Development Control Policies Number 5 "Flat Conversions" is also applicable.

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

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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.

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 DC5.1 states that the Council in determining planning applications to convert property to flats, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e. adequate private outdoor amenity space;
- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.4 states that in determining applications of this kind, the Council will give particularly careful consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

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.

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.

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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.

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.

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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 recognise 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 site is currently an enlarged semi detached house with gardens to the front, side and rear, and is within a primarily residential area. This would be the first dwelling house within the vicinity to convert into flats, therefore, creating a harmful precedent.

Character of the area - DC5.1d states the City Council will have regard to the general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs. DC5.4 states that where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

Residential Amenity - Whilst no objections have been received from local residents it is considered that the proposal would have an unacceptable impact upon the levels of residential amenity by virtue of introducing a further residential unit to a constrained site, which would lead to an increase in traffic generation and noise contrary to guidance set by policy H2.2 of the adopted UDP for the City of Manchester.

Disabled Access - The applicant has not provided any specific arrangements for disabled access to the ground floor. It is recognised that the proposal represents a conversion and the scope for disabled access is limited.

Conclusion - It is considered that if approved this conversion would represent a detrimental impact upon the character of the area and would allow for an undesirable precedent, which would, unequivocally alter the character of the area.

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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

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Recommendation Head of Planning - REFUSE

Wythenshawe Area Committee - recommend refuse

Conditions and/or Reasons

1) The proposal would detrimentally alter the character of the area by virtue of being the first single family dwelling house in the area to convert into flats, increasing the intensity of use of the site, causing harm to residential amenity, thereby, being contrary to development control policies DC5, H2.1, H2.2 of the Unitary Development Plan for the City of Manchester and Planning Policy Statement 1: Delivering Sustainable Development, and Planning Policy Statement 3: Housing.

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: 085800/FO/2008/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 held by the Planning Division.

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

Environmental Health

Greater Manchester Police

Northenden Civic Society

69 Kenworthy Lane, Manchester, M22 4FA

71 Kenworthy Lane, Manchester, M22 4FA

73 Kenworthy Lane, Manchester, M22 4FA

75 Kenworthy Lane, Manchester, M22 4FA

77 Kenworthy Lane, Manchester, M22 4FA

79 Kenworthy Lane, Manchester, M22 4FA

81 Kenworthy Lane, Manchester, M22 4FA

83 Kenworthy Lane, Manchester, M22 4FA

85 Kenworthy Lane, Manchester, M22 4FA

87 Kenworthy Lane, Manchester, M22 4FA

89 Kenworthy Lane, Manchester, M22 4FA

91 Kenworthy Lane, Manchester, M22 4FA

94 Kenworthy Lane, Manchester, M22 4FB

96 Kenworthy Lane, Manchester, M22 4FB

72 Orchard Road West, Manchester, M22 4ED

74 Orchard Road West, Manchester, M22 4ED

76 Orchard Road West, Manchester, M22 4ED

78 Orchard Road West, Manchester, M22 4ED

80 Orchard Road West, Manchester, M22 4ED

82 Orchard Road West, Manchester, M22 4ED

69 Orchard Road West, Manchester, M22 4FD

71 Orchard Road West, Manchester, M22 4FD

73 Orchard Road West, Manchester, M22 4FD

84 Kenworthy Lane, Manchester, M22 4EF

86 Kenworthy Lane, Manchester, M22 4EF

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88 Kenworthy Lane, Manchester, M22 4EF

90 Kenworthy Lane, Manchester, M22 4EF

92 Kenworthy Lane, Manchester, M22 4EF

5 Corda Avenue, Longley Lane, Northenden, Manchester, M22 4JX

Representations were received from the following third parties:

, 5 Corda Avenue, Longley Lane, Northenden, Manchester, M22 4JX

Relevant Contact Officer : Melanie Tann
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Email : m.tann@manchester.gov.uk