

| Application Number | Date of Appln | Committee Date | Ward |
|--------------------|---------------|----------------|-----------------|
| 087003/FO/2008/S1 | 20th Jun 2008 | 21st Aug 2008 | Withington Ward |

Proposal Creation of an additional flat in roof space including alterations to elevations with associated landscaping and car parking

Location 25 - 27 Brunswick Road, Withington, Manchester, M20 4QB,

Applicant A2Z Investments, 422 Wilmslow Road, Withington, Manchester, M20 4AF

Agent Mr Jahangir Arji Urbane Forms Ltd, 57 Princess Street, Manchester, M2 4EQ

Description

This application relates to a 3 storey detached building which was built to accommodate 9 apartments. The property lies to south of Brunswick Road and borders Shaw Brook.

The site is located within a predominantly residential area of Withington, which contains a large mix of housing types, with the immediate area surrounding the site consisting of a combination of single storey and two storey, terraced and semi-detached properties.

The proposal relates to the conversion of the existing unused loft space into a two-bed apartment together with elevational alterations including dormers and velux windows to the front and side elevations and associated landscaping and carparking.

Application 087003/FO/2008/S1 was received on the 20th June 2008, and included a proposed financial contribution that the applicants indicated was intended to be spent on improving the quality of the area and consequently improve the amenity enjoyed by the residents of Brunswick Road.

Consultations

Local Residents - Letters of objection have been received from 4 local residents, the main concerns are:

- The number of apartments on Brunswick Road is already high
- An additional flat will add to the existing parking problems.
- There will be a loss of available parking spaces on-site.
- The proposed amenity space takes away the sidewalk along the front of the building and may become unofficial parking.
- The narrowing of the road will make it difficult for the commercial bins to be collected.
- Not satisfied that the suggested use of the S106 agreement addresses the lack of private amenity space.
- The Local Planning Authority has consistently refused applications for an additional apartment in the roof space.

Ward Members:

One letter received from Cllr Alison Firth, Cllr Brendon Jones and Cllr Simon Wheale have expressed some concerns regarding this application. Their objections are as follows:

- The lack of amenity space.
- Insufficient height in the roof space.
- Windows look in adequate, in terms of light and aspect.
- Not satisfied that the suggested use of the S106 agreement addresses the lack of private amenity space.
- The proposal would result in over development.

John Leech MP has lodged the following Objection:

Not satisfied that the suggested use of the S106 agreement addresses the lack of private amenity space.

Withington Civic Society:

- There is already a lack of private amenity space without exerting further pressure on the space through the provision of a family apartment in the roof.
- None of the new amenity areas shown on the revised landscaping plan represent genuinely useable private amenity space.
- No increase in the amount of parking, the ratio will reduce with an addition of a further flat.
- It is questionable whether there is sufficient height in the existing roof space to form the proposed flat. This needs investigation.
- The proposed windows to the third floor prove inadequate light and aspect.
- A section of pathway has been completely removed so compromising wheelchair access not to mention able-bodied pedestrian access to both 25/27 and the bungalows beyond.
- Viability in the context of this particular application is not a planning consideration.
- It would not be a legitimate use of planning obligation powers (Section 106) to address deficiencies in the application i.e. insufficient private amenity space.

Issues

Unitary Development Plan - There are no site specific policies relating to the application site. However, the following citywide policies are relevant to this proposal:

Policy H2.1 states that the Council will encourage environmental improvements to make residential areas safer and more attractive.

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC5.1 states the Council when determining applications to convert properties into flats will have regard to the standard of accommodation offered, noise, adequate car parking arrangements, effect on the character of the neighbourhood, adequate outdoor amenity space, disabled access and provision for refuse storage.

In addition to the above, central government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and more recently on some planning issues, Planning Policy Statements (PPS).

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis is placed on the need for good design to ensure, attractive, usable, durable and adaptable places

PPS3 'Housing' highlights that the majority of new housing should be located on brownfield land. The guidance also states that the planning system should deliver:

- High quality housing that is well designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.

The Guide to Development in Manchester (SPD) - This document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Principle of the proposal:

The principle of converting the loft space into an additional apartment would be acceptable subject to satisfying the relevant policies as set out in the Manchester Unitary Development Plan.

In terms of delivering a scheme that meets the policy requirement the building does have the space to accommodate a 2 bed apartment in the roof and the site has the required parking spaces, the only issue that the applicants need to address is amenity space.

Amenity Space - The Local Planning Authority have to date received 3 previous planning applications proposing to convert the roof space into a self contained apartment, each application has been refused on the grounds that the scheme does not provide a sufficient amount of outdoor amenity space.

Whilst the scheme does propose new paved/landscaped areas, it is the existing space that has been rearranged therefore the actual amount of amenity space

has not increased. It is therefore the Head of Planning's view that in terms of outdoor amenity space the site is limited and the amount of amenity space within the application site cannot be significantly increased to satisfy the policy requirement.

Since there is no local policy or national policy that states how much amenity space should be provided on site, it was suggested, without any guarantee of supporting a proposal, that the applicants should look outside the application site to explore the possibility of improving the environment within the immediate area to compensate for the lack of amenity space being provided on site.

Application 087003/FO/2008/S1 was received on the 20th June 2008, the proposal indicated a proposed financial contribution to be spent on improving the quality of the area and consequently improve the amenity enjoyed by the residents of Brunswick Road.

After having considered the proposal it is the Head of Planning's view that there are no tangible works being proposed that will compensate for the lack of amenity space provided on site, however the applicants are seeking to identify what these might be, nevertheless, at present they have failed to demonstrate what form these works might take.

Parking spaces – The scheme proposes 10 parking spaces, this is in line with the current levels of parking spaces required i.e. one per apartment.

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.

Recommendation REFUSE

Refuse on the basis that the proposal is contrary to Policies DC5.1, H2.1 and H2.2 of the Unitary Development Plan for the City of Manchester in that the proposal would result in over development of the site as it would result in an inadequate level of private amenity space to serve the future occupiers of the

proposed flats, and there are no material considerations of sufficient weight to indicate otherwise.

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: 087003/FO/2008/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 held by the Planning Division.

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

Withington Civic Society
21 Brunswick Road, Manchester, M20 4QB
23 Brunswick Road, Manchester, M20 4QB
29 Brunswick Road, Manchester, M20 4QB
31 Brunswick Road, Manchester, M20 4QB
32 Brunswick Road, Manchester, M20 4QB
34 Brunswick Road, Manchester, M20 4QB
36 Brunswick Road, Manchester, M20 4QB
25 Brunswick Road, Manchester, M20 4QB

Representations were received from the following third parties:

Ian Ralston, 21 Brunswick Road, Withington, Manchester
Cliff Pelham, 29 Brunswick Road, Manchester
Brain Mullins, 31 Brunswick Road, Manchester
David Rydeheard, 26 Brunswick Road, Manchester

Relevant Contact Officer : Charenjit Kaur
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Email : c.kaur@manchester.gov.uk