

Application Number	Date of Appln	Committee Date	Ward
088451/FH/2008/S2	1st Dec 2008	12th Mar 2009	Didsbury West Ward

Proposal Erection of a single storey rear extension, with creation of raised deck and basement courtyard and access to form additional living accommodation

Location 13 Bamford Road, Didsbury, Manchester, M20 2QP,

Applicant Mr Darren King, 9 Norgate Street, Didsbury, Manchester, M20 2DG

Agent M T Architectural 24 Martin Close, Denton, Lancashire, M34 3BG

Description

This application relates to a three storey mid terrace property with a basement within a predominantly residential area. The property has a small garden to the front and rear. The adjoining properties are of similar type being semi detached Edwardian properties.

The applicant is seeking consent to erect a single storey rear extension within the space between the rear sidewall of 13 Bamford Road and the boundary with no. 11 Bamford Road. Access to the rear garden will be provided from this extension via a small decked area and a series of three steps. In addition, the applicant proposes to create a basement home gym and small courtyard, which will also have access via a spiral staircase to the rear garden.

Consultations

Local Residents - 16 letters of objection have been received, the comments of, which have been outlined below:

- i) There would be a loss of light to the lounge area of the adjoining property, no. 11 Bamford Road.
- ii) The development would create a precedent spoiling the external views and cutting light to the rear of the whole row of houses to that side of the street.
- iii) The proposal would reduce the level of amenity space for no. 13 Bamford Road.
- iv) The raised platform to the rear will allow overlooking into garden of no. 11 Bamford Road, leading to a loss of residential amenity

Ward Members – Councillor Clayton has made the following comments:

- i) Reduced light and sunshine – the extension will be right on the boundary and will block out the sun during part of the day and reduce overall light to the main living room at all times of the day
- ii) Poorer view – the extension will create a tunnel effect

- iii) Reduced amenity space for no. 13 Bamford Road – The extension and space taken for the spiral staircase will further reduce what is already a very small garden
- iv) Disruption of original appearance – The terrace is over a 100 years old and up till now has retained its original appearance. No other house in the terrace has made any rear extensions and this would set a precedent for further disruptions of this row of absentee landlords

Subsequently, Councillor Clayton has suggested the form of the proposed roof is given further consideration.

Didsbury Civic Society – Two letters of objection have been received, the comments of which are outlined below:

- i) The side extension of the present ‘outrigger’ would result in the loss of amenity to no. 11 Bamford Road.
- ii) Loss of amenity also to no. 13 Bamford Road, which has a restricted garden.
- iii) The proposal will reduce the amount of light available to the adjoining property, which sets a precedent if granted on other properties.

Issues

Unitary Development Plan (UDP) – There are no site- specific policies in the UDP for the site. However, when dealing with an application of this nature consideration is given to policy H2.2 in Part 1 of the UDP and policy DC1 in Part 2.

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

Policy DC1 (Residential Extensions) states that in determining planning applications for extensions to residential properties the City Council will have regard to, in this instance:

- the general character of the property
- the effect upon the amenity of neighbouring occupiers

The policy states further that the City Council will normally allow extensions to residential properties, which are not excessively large or bulky (for e.g. structures which are not subservient to the original house)

North West of England Plan Regional Spatial Strategy (RSS) to 2021 (adopted September 2008) –The Regional Spatial Strategy 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. The following policies are considered of relevance in this instance.

Policy DP2 (Enhancing the Quality of Life) seeks to revive local economies and ensure that developments provided a high quality of life for this and future generations.

Principle of the Proposal – The principle of creating additional living accommodation on an existing dwelling is considered acceptable. Notwithstanding this, consideration must be given to the proposal's impact upon existing levels of residential and visual amenity.

Residential Amenity – The proposal will effectively result in the erection of a brick wall at its highest 4.3 metres high by 2.5 metres in length running along the common boundary between nos. 11 and 13 Bamford Road. Due to the relatively short length of the wall and orientation of both of these properties it is not considered that the extension would lead to an unacceptable amount of overshadowing that would be considered detrimental to current levels of residential amenity experienced by the occupants of no. 11 Bamford Road though there will inevitably be some impact.

While there is no window in the side elevation of the extension, there are velux windows in the roof. However, given the location of these windows it is not felt that they would pose a problem of overlooking to the residents of no. 11 Bamford Road. The proposed roof is a mono pitch, which does lead to a significant amount of brickwork on the neighbouring boundary; the particular design at the rear of the property with little gap between the windows of the two houses exacerbates this aspect and the impact.

It is acknowledged that the proposed decking area has the potential to lead to the overlooking of the adjacent garden areas. In order to prevent this from happening the applicant has amended his scheme to include the installation of privacy screens on either side of the decking area. A condition requiring the screens to be installed and retained is suggested in this instance.

Design – It is considered that the design of the extension is in keeping with the character of the dwellinghouse.

Construction- Due to the very close relationship between the proposed works and the adjacent property, numbers 11 and 15, but particularly number 11 the applicant has been asked to do his best endeavouring to keep disruption to a minimum. The party wall aspect of the proposal is a separate matter, but may also provide a degree of influence over how if approved the work is done

Permitted Development Rights – The applicant is aware that if he was to reduce the roof height by 0.4 metres, planning permission would not be required for the development and he could erect it using his Permitted Development Rights, potentially leading to the extension being erected without the privacy screens referred to above. In approving this application, it can be ensured, via an appropriate condition, that the privacy screens to the decking be installed and the current levels of residential amenity preserved.

Conclusion – While there is a 'tunnel effect' to a degree, in this case the length of the proposed extension and the orientation of the property limits its impact.

However, an alternative form of roof might have some benefits for the occupier of number 11 and it is proposed to explore the options and the recommendation is made accordingly. But on the basis that an alternative would need to represent an impact on the roof arrangement as currently proposed.

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 **MINDED TO APPROVE** (subject to exploring the scope to redesign the roof of the proposed extension so as to further reduce its impact on number 11, Bamford Road) on the basis that the proposal is in accord with the City Councils Policies (in particular Policies DC1 and H2.2) which seeks to protect residential amenity and there are no material considerations of sufficient weight to indicate otherwise.

Conditions

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) 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.

3) 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: stamped received 19th December 2008 2008/27/01 REV B

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and DC1 of the Manchester Unitary Development Plan.

4) The privacy screens hereby approved, as shown on plan 2008/27/01 Rev B, shall be installed prior to the commencement of the use of the decking area and shall be retained thereafter unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To protect the residential amenity of the occupants of the adjoining dwellinghouses, 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: 088451/FH/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:

National Allotments Society
15 Bamford Road, Didsbury, Manchester, M20 2QP
11 Bamford Road, Manchester, M20 2QP

Representations were received from the following third parties:

Councillor Mark Clayton
John Mark Hacking, 39 Bamford Road, Didsbury, Manchester
Personal details withheld at the request of individual
David Ellison, 27 Mersey Meadows, Didsbury, Manchester
Mr C Dowling, 11 Bamford Road, Didsbury, Manchester
F R Jones, 21 Bamford Road, Didsbury, Manchester
Didsbury Civic Society, 2 Willowbank Court, 570 Parrs Wood Road, Didsbury
Mrs Mary Cordner, 25 Bamford Road, Didsbury, Manchester
Sue Edwards, 17 Bamford Road, Didsbury, Manchester
C Larn, 15, Bamford Road, Didsbury, Manchester
Dr P L Mieidowney, 4 Bamford Grove, Didsbury
Louise Small, Didsbury Civic Society, Didsbury
Mrs I M White, 35 Bamford Road, Didsbury, Manchester
M M Minogue, 8 Bamford Road, Didsbury, Manchester

David Chadwick, 3 Bamford Road, Didsbury, Manchester
Christine Baranski, 33 Bamford Road, Didsbury, Manchester
Adam and Myriam Wiszniewski, 26 Bamford Road, Didsbury, Manchester
Mark O'Keefe, 5 Bamford Road, Didsbury, Manchester
Mr Convoy, 7 Bamford Road, Didsbury, M20

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