

<b>Withington Ward</b>	<b>Application Number</b> 085501/FO/2008/S1	<b>Date of Appln</b> 29th Feb 2008	<b>Committee Date</b> 26th Jun 2008
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**Proposal** Erection of part single, part two storey rear extension to form additional living accommodation.

**Location** 4-6 Richmond Road, Fallowfield, Manchester, M14 6YW

**Applicant** Mr David Cuthbert, 4-6 Richmond Road, Fallowfield, Manchester, M14 6YW

**Agent** TAS Architectural Services 26 Chorlton Drive, Cheadle, Cheshire, SK8 2BG

### **Description**

At the last Committee meeting on 29th May 2008, Members resolved to defer the application to consider further the issue of multiple occupation and the cumulative effect on the character of the area if such an extension became widespread.

In order to investigate the current level of occupancy, a site visit to look at the internal layout was undertaken. The visit concluded that both reception rooms on the ground floor of each property are being used as bedrooms therefore the total number of bedrooms is actually 5 per property. The only other rooms in each house are an open plan kitchen/living room and a bathroom.

The application proposes only to extend and improve the existing accommodation, there will not be an increase in the number of rooms or an increase in the number of occupants, therefore the house will only be let out to a maximum of 5 people.

### **Issues**

**Subdivision** - Subdividing the rooms to create more rooms would be unlikely as the resultant rooms would be extremely small and consequently would not meet Private Sector Housing standards for shared houses, which require bedrooms to be a minimum of 8.36sqm.

**Permitted Development** -At present the Town and country Planning (Use Classes) Order allows a property to be occupied by up to 6 unrelated persons without the need to obtain planning permission. Thus at its present level of occupancy there has been no material change of use and there is no action that can be taken under planning law.

**Site Coverage** - The proposed extension covers 65% of the existing yard, leaving 35%, approx 8.25 square metres, most of which will be used as 'functional' open space to store bins, etc. Therefore there would be no other usable amenity space left for the future occupants.

Precedent - The fear or generalised concern of a precedent is not in itself normally enough to refuse planning permission. It is necessary, and this is supported by case law, to address whether setting such a precedent would be harmful to the area, if the other owners wanted to build similar extensions.

### **Conclusion**

Members concerns that multiple occupation and the cumulative effect on the character of the area if such extensions became widespread are material considerations and whilst the recommendation of the Head of Planning remains that Planning permission should be granted, he believes that a case could be made for refusing planning permission on the basis of precedent. The properties are located in a tightly knit and distinct area of modest terraced house with small gardens. The rear yards form a useful amenity for the occupiers of the property both for storage and for use as a small urban sitting out areas. The intense development of the yards would result in the properties being less desirable for families and encourage a shift over to the buy for rent market, where the existence or quality of private amenity space is less important. This would in turn impact of the character of the area particularly if there are large scale short term lettings for example to students. Set out below is a suggested reason for refusing planning permission.

'The proposed development would set a precedent for a form of development , which if copied by other properties within the area, would have a detrimental affect on the character and amenity of the area. The proposed development is therefore contrary to the provisions of Policies H2.2 and DC1 of the Unitary Development Plan for the City of Manchester.'

### **Description**

The application site relates to 4 and 6 Richmond Road, which are two mid terraced properties that lie in the Fallowfield ward. The properties are two storeys high, both benefiting from small rear yards. Neither of the properties have had previous extensions.

The area is predominantly residential in character and is adjoined with residential properties on all sides.

The character is defined by 2 storey terraced properties, although some of the dwellings are extended, the properties still appear to retain their original built form.

The proposal seeks approval to extend the existing ground floor outriggers by 3.4 metres, which is the full length of the yard, and the first floor element of the outriggers by 1.5metres, the scheme also proposes a two storey extension to the rear room by 2.5 metres.

The application is a joint application, therefore the extensions will be built as one development, this will reduce any impact the extension may have had in terms of loss of light and overshadowing on the neighbouring property.

### **Consultations**

Local residents were notified about the planning application, one letter of objection was received the objections are summarised below:

Increasing the number of students in these houses will increase the congestion problem.

The litter, noise and disturbance will increase.

There are only 6 houses on Richmond Road that are not let to students; the area is losing its residential character.

If this application is approved other landlords will built the same extension.

Ward Members:

1 letter received from Withington ward councillors: Alison Firth, Audrey Jones and Simon Wheale. The objections are summarised below:

The house is currently occupied by students, extending the accommodation further would cause parking, noise and disturbance for the few remaining local residents who live in Richmond Road.

Richmond Road is a small Road of terraced properties, the road can not cope with the addition demand for parking.

The application is designed to create a larger house in multiple occupancy and is of detriment to the residential character.

What little garden area there is at the back would be removed by such a large extension, this results in over intensification and over development of the site.

Head of Environmental Health - No objections to the proposal

Director Of Housing - No comments were received.

### **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 H2.2 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 DC1 relates to residential extensions and requires that consideration be given to various factors with particular regard given to the general character of the property and the effect upon the amenity of neighbouring occupiers.

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

Principle of the proposal - The principle of creating additional living accommodation on an existing dwelling house is considered acceptable

The principle issue concerns the current owners possible interest of using the dwelling for rented accommodation. The proposed scheme does not introduce any additional bedrooms, but proposes to extend the existing rooms. Therefore even if the house is currently being rented it is unlikely that it can be rented to an increased amount of people if the extension is built.

However, planning legislation allows a property to be occupied by up to 6 unrelated persons without the need to obtain planning permission, providing that the persons concerned are living as a household i.e. no locks on doors, shared bills etc. The present occupancy of the application site is described as residential, consequently providing that the persons occupying the house are living as a single household there is no action that can be taken under planning law. Therefore this issue cannot be considered.

Over development - Since the proposed extension is considered to be modest in size and not over bearing it is felt the scheme does not constitute over development.

Noise and disturbance - In terms of noise and disturbance the only control that the local authority has is through the new controls under the housing Acts, in terms of suitability of the building and/or its management or environment health in terms of statutory nuisance including noise, urban hygiene, untidy or overgrown land. Remedies are available under both these sets of legislation to address specific problems that arise.

Parking - It is felt that a domestic extension will not increase demand for parking in the area.

Amenity Space - The level of amenity space left after the proposed extension is erected is considered sufficient for this type of house. Further, it is a common feature for terraced properties with small rear yards to built extensions that extend the full length of the yard.

Character - It is felt that the proposed extension will not have a detrimental impact on the residential amenity of neighbours in terms of loss of light, overshadowing or to 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 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.

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### **Recommendation APPROVE**

Approve on the basis that the proposal is in accord with the City Councils policies in particular policies DC1 and H2.2 in that the proposed extensions do not have an adverse impact on the adjoining dwellings or the character of the area 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 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: Drawings stamped 03/10/2007 .

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 H2.2 of the Unitary Development Plan for the City of Manchester.

4) The full development hereby approved shall be built simultaneously and carried out in accordance with the drawings stamped 03/10/2007 unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

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

### **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: 085501/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:**

Environmental Health  
Director Of Housing  
11 Westbourne Road, Manchester, M14 6YN

13 Westbourne Road, Manchester, M14 6YN  
3 Westbourne Road, Manchester, M14 6YN  
5 Westbourne Road, Manchester, M14 6YN  
7 Westbourne Road, Manchester, M14 6YN  
9 Westbourne Road, Manchester, M14 6YN  
1 Richmond Road, Manchester, M14 6YW  
10 Richmond Road, Manchester, M14 6YW  
11 Richmond Road, Manchester, M14 6YW  
12 Richmond Road, Manchester, M14 6YW  
13 Richmond Road, Manchester, M14 6YW  
2 Richmond Road, Manchester, M14 6YW  
3 Richmond Road, Manchester, M14 6YW  
4 Richmond Road, Manchester, M14 6YW  
5 Richmond Road, Manchester, M14 6YW  
6 Richmond Road, Manchester, M14 6YW  
7 Richmond Road, Manchester, M14 6YW  
8 Richmond Road, Manchester, M14 6YW  
9 Richmond Road, Manchester, M14 6YW  
Flat 15, Hanover House, Ladybarn Lane, Manchester, M14 6YL  
Flat 18, Hanover House, Ladybarn Lane, Manchester, M14 6YL

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

Councillor Alison Firth  
Councillor Audrey Jones  
Councillor Simon Wheale

**Relevant Contact Officer :** Charenjit Kaur  
**Telephone number :** 0161 234 4548  
**Email :** c.kaur@manchester.gov.uk