
Application Number	Date of Appln	Committee Date	Ward
092142/FH/2010/S1	18th Jan 2010	11th Mar 2010	Withington Ward

Proposal Erection of a two storey side and part single, part two storey rear extensions to form additional living accommodation

Location 1 Clifton Avenue, Withington, Manchester, M14 6UD,

Applicant Mr Khalid Din, 79 St Anns Road, Heald Green, Stockport, Cheshire

Agent Mr Farhan Rama, 4 Mallowdale Avenue, Fallowfield, Manchester, M14 6GT

Description

The application site relates to a two storey, semi-detached residential dwelling situated on the eastern side of Clifton Avenue. The property includes small front and rear gardens, front driveway, an existing single storey, flat roofed extension to the rear and a single storey car port to the side.

In terms of the site's immediate surroundings, the dwelling is situated within a predominantly residential area and a short distance from Fallowfield district centre. Clifton Avenue is made up of properties of various architectural styles, sizes and tenures, with many properties having been converted into flats, or houses in multiple occupation. Opposite the site on the other side of Clifton Avenue is a vacant plot of land formerly occupied by St.John's Ambulance which has recently had planning permission for the erection of three, part three, part four storey block comprising of 33 apartments.

The proposed scheme relates to the erection of a two-storey side extension, together with a part single, part two-storey rear extension to form additional living accommodation. The proposed side extension would be built right up to the common boundary with 1b Clifton Avenue and has been set back 1.8 from the frontage of the original house to prevent any terracing effect. The single storey and two storey rear extensions would have a total rear projection of 3.5 metres.

With regard to the accommodation offer, the proposed extensions would facilitate internal reconfiguration of the rooms and allow for the repositioning of the first floor bathroom, together with the creation of a ground floor bathroom, one additional bedroom and an enlarged kitchen/dining area.

Consultations

Local residents - 2 letters of objection have been received. These representations are summarised below:

- (i) The proposal will lead to over-intensification of occupation.
- (ii) The application will entail yet further 'studentification' of Clifton Avenue.
- (iii) Any extension s to the sides of any property in this Avenue would look completely out of character.

- (iv) There are many HMO properties on Clifton Avenue and few owner occupied homes. An extension to 1 Clifton Avenue will lead to an even greater increased in the number of students along the Avenue,
- (v) Consideration should be given to the unbalanced population that already exists in this area of Fallowfield and planning permission should be refused to prevent any further students being added as residents to Clifton Avenue.
- (vi) The proposed extension will lead to increased noise and disturbance in the area.

South East Fallowfield Residents Group – To extend an ordinary three bedroom house in this way would constitute gross overdevelopment which would lead to increased occupancy and cause problems due an over intensification of use. It is also believed that the proposed extension will impair visual amenity of the house when seen from the road and lead to the loss of valuable garden and parking space. To extend the property in this way would affect the sale price of the property and set a precedent for other similar extensions along the Avenue.

In addition to the above, reference is made to the forthcoming change in legislation with regard to HMOs in order to manage the unplanned spread of HMOs in towns and cities as well as a Core Strategy option paper which seeks to discourage further encroachment of student lets so as to retain family housing and maintain a balanced population mix in Fallowfield and Withington.

Private Sector Housing (HMO Team) – No comments to make.

Issues

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

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.

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 it's impact in terms of noise, vibration, traffic generation, road safety and air pollution

Regional Spatial Strategy - In terms of regional policy, it is not considered that any policy is of particular relevance in this case.

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPGs) and more recently on some planning issues, Planning Policy Statements (PPSs).

PPS1 'Delivering Sustainable Development' underpins the planning system and sets out the overarching policies on the delivery of sustainable development. Emphasis is

placed on the need for good design to ensure attractive, usable, durable and adaptable places. PPS1 also replicates the provisions set out in Section 38 of the Planning and Compulsory Purchase Act (2004). This states that:

‘Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise’.

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.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key service and infrastructure.

The Guide to Development in Manchester (SPG/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.

South Manchester Strategic Regeneration Framework (SRF) - Part of this City Council policy relates to preventing the conversion of large houses, protecting local character and reducing the dependence on low quality rented housing. It should be noted however that it is believed the building is already rented out and there is nothing to suggest that the property could not be returned to family accommodation. The current proposal relates to the erection of modest side and rear extensions. As such, it is not considered that such policies are relevant to this proposal.

Principle – It is believed that the principle of the proposal is acceptable with the proposed extensions a typical feature within many residential suburbs in Manchester. The proposed extensions are modest in size and would have little impact in terms of visual amenity. The creation of one additional bedroom and internal reconfiguration of the layout is unlikely to have any significant impact upon residential amenity or lead to an over intensive use of each property. As such, it is considered that the proposal would accords with Policies DC1 and H2.2 of the Unitary Development Plan for the City of Manchester.

'Studentification' - The occupancy of residential dwellings by students and the over intensive use of residential properties is a matter that has been raised several times before by residents along Clifton Avenue.

In this case, concerns have been expressed about the creation of one additional bedroom as a result of the proposed layout. Local residents believe that such development would encourage the use of the properties by more unrelated people

and most probably by students. This in turn could intensify comings and going of either residents or visitors and put more pressure on on-street car parking and adversely affect the character of the neighbourhood, the demography of the local population, and the amenity of owner occupiers along the Avenue.

The current use of the property is a residential dwelling and the applicant's stated intention is that this use should continue. The application is not an application for a change of use to a house in multiple occupation (HMO) but rather an application to extend a residential dwelling which would lead to the creation of one additional bedroom. As such, the proposal should be assessed on the basis of the merits of the proposed extension and not issues with regard to intensity of use or which person or persons would occupy the property.

It should also be noted that at present there is no specific planning policy that prohibits the occupation of residential dwellings by groups of students. The properties fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987. This is defined as the use (a) by a single person or by people living together as a family, or (b) by not more than six residents living together as a single household (including a household where care is provided for residents).

Legislation – Reference has been by local residents with regard to the forthcoming coming change to planning legislation in terms of the definition of a house in multiple occupation (HMO). At present, as referred to above, a HMO is interpreted as being a house occupied by six or more unrelated persons. It is anticipated however that on 6th April 2010 a change will be made to planning legislation in the form of an alteration to Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This change will mean that dwellings can only be occupied by up to three unrelated person unless an application has been made and subsequently approved for any such property to be used as a HMO. The legislation however will not be applied retrospectively.

In light of the above, whilst it could be argued the additional bedroom created would lead to an intensification of use to a HMO following the change to legislation on 6th April 2010, it should be noted that the proposal must be assessed against current legislation and it would be premature to determine the application on the basis of forthcoming changes. Similarly, reference has also been made by South East Fallowfield Residents to a Core Strategy options paper as part of the forthcoming Local Development Framework and in particular the need to maintain a balanced population in Fallowfield and Withington. To take account of this option paper however would again be premature and therefore the application should be determined in accordance with current development plan policy in the form of the Unitary Development Plan for the City of Manchester. Moreover, as the property is not considered to be a HMO, the proposal should only be assessed on the basis of the physical extensions rather than how the property is occupied.

Parking - It is not necessary in policy terms to provide additional parking as the proposal relates to the enlargement of an existing dwelling rather than the creation of a residential new unit. Such parking standards are therefore in line with City Council policy. Moreover, the property is located in a sustainable location and only a few minutes walk from the extremely busy bus route along Wilmslow Road.

Residential Amenity - It is not considered that the proposed development would give rise to any significant impact upon residential amenity. The extensions as in the case of the current use of the property will be used for residential purposes within a predominantly residential area. Such a use is therefore appropriate in this area.

In terms of the extensions, there are no windows in the proposed side elevations and due to the rear elevation being situated perpendicular to the rear garden of 8 Egerton Road, there will be no habitable windows aligned with each other or in close proximity to each other. As such, there will be no impact whatsoever upon current privacy levels.

Due to the design, position, size and rear projection of proposed extensions, it is not believed that there would be any material impact upon amenity of adjoining occupiers in terms of overshadowing.

Visual Amenity - Some concerns have been raised about the impact that the proposed scheme would have on the character of the building and appearance of the street-scene.

It is not considered that there would be any significant impact upon residential amenity. Such extensions are typical of residential suburbs throughout Manchester and although changes will be made to the appearance of the property when viewed from the street, it is not believed that the changes are so material or negative so as to warrant refusal of the application. In order to prevent any 'terracing effect' the proposed side extension has been set back 1.8 metres from the frontage of the original dwelling.

Refuse Storage – A dedicated refuse storage area with bins to be stored within a timber enclosure is to be provided at the front of the property where the side extension has been set back.

Property Values – A concern has been expressed that the proposed development would have a negative impact upon visual amenity and that that the extensions would have a detrimental impact upon the resale price of the property. Government guidance in the form of PPS1 'Delivering Sustainable Development' states however that 'The planning system does not exist to protect the private interests of one person against the activities of another'. As such, concerns over property values are outside of the remit of the planning system and should not therefore be a relevant consideration.

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, 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

Approve on the basis that the proposal accords with Policies DC1 and H2.2 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise. It is not considered that the proposed extensions will have any significant, detrimental impact upon the character of the area, or upon the amenity of nearby residential occupiers.

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations, including the bins store 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: Drawings 01 and 02, stamped as received on 18th January 2010.

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.

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: 092142/FH/2010/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:

Private Sector Housing (HMO Team)
Clifton Avenue Residents Association
South East Fallowfield Residents Association
5 Clifton Avenue, Manchester, M14 6UD
2 Clifton Avenue, Manchester, M14 6UB
3 Clifton Avenue, Manchester, M14 6UD
1b, Clifton Avenue, Manchester, M14 6UD
8 Egerton Road, Manchester, M14 6YB
1a, Clifton Avenue, Manchester, M14 6UD
6 Egerton Road, Manchester, M14 6YB
Flat 6, 4 Egerton Road, Manchester, M14 6YB
Flat 3, 4 Egerton Road, Manchester, M14 6YB
Flat 2, 4 Egerton Road, Manchester, M14 6YB
Flat 8, 4 Egerton Road, Manchester, M14 6YB
Flat 4, 4 Egerton Road, Manchester, M14 6YB
Flat 5, 4 Egerton Road, Manchester, M14 6YB
Flat 1, 4 Egerton Road, Manchester, M14 6YB
Flat 7, 4 Egerton Road, Manchester, M14 6YB

Representations were received from the following third parties:

Private Sector Housing (HMO Team)
South East Fallowfield Residents Association
12 Clifton Avenue, Fallowfield, Manchester, M14 6UB
8 Clifton Avenue, Fallowfield, Manchester, M14

Relevant Contact Officer : Steven McCoombe
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