
Application Number	Date of Appln	Committee Date	Ward
091972/FH/2009/N1	14th Dec 2009	11th Mar 2010	Cheetham Ward

Proposal Partial retention of existing single storey rear extension following partial demolition and associated alterations

Location 254 Woodlands Road, Cheetham, Manchester, M8 0GB,

Applicant Mr F S Chaudhry, 254 Woodlands Road, Cheetham, Manchester, M8 0GB,

Agent Mr John Pickup, PDC Architects, Barclay House, 35 Whitworth Street West, Manchester, M1 5NG

Description

This application (which is partially retrospective) relates to a dwellinghouse located at the end of a row of four properties. The other three properties in the row are shops. In 1987 planning permission was granted at the property for "Change of use from a shop to single living accommodation with elevational alterations".

In June 2008 a planning application for "Retrospective Application for single storey rear extension" was withdrawn.

In October 2009 a planning application for "Retrospective planning application for a single storey extension to the rear of the property." was also withdrawn.

There is an extension at the neighbouring property to the south-east. This was approved under planning application 051621/FO/NORTH1/97 in 1997 for "Single storey kitchen extension at rear of shop". The development is single storey in height with a flat roof, patio doors positioned on the rear elevation and an approximate depth of 3.6 metres. The occupier of that property has informed us that this room is currently in use as a storage room but there are plans for it to be used as a "relaxation room" for the use of the occupier and staff at the shop. The boundary treatment between 254 and 256 Woodlands Road is a shrub with an approximate height of 1 metre.

There are also 3.6 metre deep, sloping roof extensions located at the rear of 258 and 260 Woodlands Road.

The application relates to "Partial retention of existing single storey rear extension following partial demolition and associated alterations". The extension appears to consist of two elements. The element nearest to the existing house has a rearward projection of 3.6 metres with a shallow sloping roof. The element to the rear of that is 5.2 metres deep with a shallow sloping roof with its highest part just below the eaves of the roof on the element nearest the house. The overall length of the extension is 8.8 metres and the width is 7 metres. The structure is single storey in height.

The applicant is proposing to remove a 2 metre wide, 5.2 metre long strip of the extension adjacent to the boundary with 256 Woodlands Road. This will have the effect of reducing the width of the element of the extension furthest from the house to 5 metres. The width of the extension closest to the house will remain unchanged. It is

also proposed to build a 1 metre high fence on the boundary between 254 and 256 Woodlands Road.

Building Control has confirmed that there is no building regulations applications for the site.

Consultations

Local residents - One e-mail of objection received from the occupier of the adjoining property at 256 Woodlands Road which states the following:

The development blocks the light from the objector's property. The extension has been built by unqualified and none certified builder which, should it collapse, will damage the objector's property. The structure has not been built to building regulations standard and has not been approved by the Council. The objector was not consulted beforehand and the development is partially built on the objector's land without their permission.

Issues

Unitary Development Plan - The site is presently un-allocated with the Manchester Unitary Development Plan (adopted 1995). However, the general policy for the area, CC1, states that in deciding its attitude to proposals within the Cheetham and Crumpsall, the Council will have regard to the general policies in Part 1 of the Plan in order to:

- a. improve housing of all types and avoid the need for widescale clearance;
- b. provide infill and redevelopment sites for new housing;
- c. discourage over-development and over-intensive use of residential land and buildings and so avoid congestion and overcrowding in housing units and their surroundings;
- d. reduce problems caused by vacant and derelict land and buildings by encouraging redevelopment, especially of smaller sites, where shape and location would discourage proper maintenance for open space.

DC1.1 states that in determining applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of the neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street scene;
- e. the effect of the loss of any on-site car parking.

Policy H2.2 states that the Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will consider 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.

Residential Amenity - This is the third submission for this proposal within the last two years. Both the previous applications were withdrawn but there were concerns about the impact of the extension on the residents of the adjoining property.

As stated earlier there is an existing 3.6 metre single storey extension at 256 Woodlands Road which cancels out the impact from the first extension at the application property. Therefore, it is only the impact from the second, 5.2 metre long extension which needs to be considered in this proposal. It is considered that the impact of the second extension on the residents of the adjoining property is unacceptable due to its overall height and rearward projection which results in a structure which is dominant and overbearing.

The current proposals involve modifying the second extension by setting back its south-eastern wall by 2 metres. It is considered that by, moving back the bulk of the extension from the boundary with 256 Woodlands Road by 2 metres the impact of the extension will be reduced to within acceptable limits.

Building Regulations - The Building Control Section will be informed of the outcome of this application and a letter sent to the applicant stating that any work carried out must comply with the Building Regulations.

Visual Amenity - At present the appearance of the extension is unacceptable. The objector at 256 Woodlands Road has stated that the south-eastern wall is constructed from breeze block and material used for insulating the extension protrudes out from beyond the external wall. Furthermore, its bulky nature is out of character for the area.

Should the proposals under consideration be implemented this will result in an extension with a south-eastern wall constructed from brick which is acceptable in terms of visual amenity and which is set back 2 metres from the boundary with will be more in keeping with the character of the area.

A materials condition will be attached to this permission to ensure that the materials used in the south-eastern elevation facing 256 Woodlands Road match those in the existing extension.

OBJECTOR'S CONCERNS

At stated earlier, there has been one e-mail of objection received from the occupier of the adjoining property at 256 Woodlands Road and the points raised are dealt with below:

1.The development blocks the light from the objector's property.

The objector will suffer some loss of light from the existing extension. This will start in the mid-afternoon and peak in the late evening. However, should this application be implemented then the overshadowing of 256 Woodlands Road from the resulting extension will be much reduced from that currently experienced and, in view of the fact that overshadowing will only occur for part of the day, the proposals are considered to be acceptable in terms of overshadowing.

2. The extension has been built by unqualified and none certified builder which, should it collapse, will damage the objector's property. The structure has not been built to building regulations standard and has not been approved by the Council.

As stated earlier, the Building Control Section will be informed of the outcome of this application and a letter sent to the applicant stating that any work carried out must comply with the Building Regulations.

3. The objector was not consulted beforehand and the development is partially built on the objector's land without their permission.

Local residents may not have been informed by the applicant about their plans to build the current extension but a letter has been sent to the objector to inform them about this application. Should the proposals under consideration be implemented then the extension would no longer encroach onto the objector's land as there would be a 2 metre gap between the extension and the boundary with the adjoining property.

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 APPROVE

The proposal will not be detrimental to the visual or residential amenity of the area, and is therefore in accordance with Policies H2.2, and DC1 of the Unitary Development Plan for the City of Manchester. The proposal is recommended for approval, as there are no material considerations of sufficient weight to indicate otherwise. In this instance there are no relevant policies in Regional Planning Guidance Note 13.

Conditions and/or Reasons

1) The works shall be carried out in accordance with the approved drawings within 2 months of the date of this permission.

Reason

In the interests of amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995)

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: The drawings stamped as received by the Local Planning Authority on 21st July 2009 and the e-mail received on 14th. December 2009.

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.

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: 091972/FH/2009/N1 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:

35 Chime Bank, Manchester, M8 0QL
33 Chime Bank, Manchester, M8 0QL
252 Woodlands Road, Manchester, M8 0GB
Woodlands News, 256 Woodlands Road, Manchester, M8 0GB

Representations were received from the following third parties:

256 Woodlands Road, Cheetham, Manchester, M8 0GB

Relevant Contact Officer : Gerry Reilly
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Email : g.reilly@manchester.gov.uk