
Application Number	Date of Appln	Committee Date	Ward
091212/FH/2009/S1	29th Sep 2009	14th Jan 2010	Withington Ward

Proposal Retention of existing single storey side and rear extension in connection with use of house as a single family dwelling

Location 36 Ladybarn Crescent, Fallowfield, Manchester, M14 6UU,

Applicant CA And PB Keaveney , 39 Barlow Moor Road, Didsbury, Manchester, M20 6TW

Agent Mr Rob Turley, 2 Plowley Close, Didsbury, Manchester, M20 2DB

Description

This application related to a modern three storey, end terraced property. There is a small open plan front garden with a single parking space in it, a large wedge shaped rear garden and a small triangular side garden. The property is accessed off a private drive. The property is currently used as a shared house by students.

This is a retrospective application for the erection of a single storey side and rear extension with a dual pitched roof. The extension occupies the full width of the property and projects 2 metres beyond the side elevation. It projects 4 metres from the rear elevation and for 4.1 metres along the side elevation. There is a gap of approximately 1 metre between the side extension and the site boundary at its closest and there is space behind an existing fence at the side of the property and the extension to store refuse and recycling containers.

A previous application, ref. 089900/FO/2009/S1, for the retrospective erection of the same extension and the conversion of the premises into an eight bed house in multiple occupation was refused planning permission for the following reason:

The use of the premises as an 8 bedroom house in multiple occupation results in the over intensive use of the property, by reason of the additions coming and goings and noise and general activity, to the detriment of the character of the area and the general residential amenity of the surrounding properties. The proposed development is therefore contrary to the provisions of policies H2.2, DC3 and DC26 of the Unitary Development Plan for the City of Manchester.

This current application would result in the removal of internal walls and the reduction in the number of bedrooms to six, which is below the threshold for requiring planning permission for a change of use to a house in multiple occupation.

Consultations

Local Residents Businesses – no representations received.

Withington Civic Society – have made the following comments:

- The notification letter describes the proposal use as a "single family dwelling" however the plans strongly suggest actual use as a 6 bedroom HMO. We would regard the latter as an over-intense use of the dwelling
- Bedroom 2 is accessed directly from the living room (which will be heavily used if the property is an HMO.) This compromises both the bedroom in question and the living room which shares open plan space with the kitchen
- It is essential to obtain views from surrounding properties, particularly No.38

Private Sector Housing – any comments will be reported.

Issues

Unitary Development Plan – The relevant policies within the plan are H2.2 and DC1.

Policy H2.2 Seeks to protect the amenity of residents from the adverse impact of development.

Policy DC1 sets down the criteria to be considered in determining application for residential extensions.

Regional Spatial Strategy - The RSS was adopted as part of the Development Plan for the City of Manchester in September 2008. The relevant policies are:

DP1 Which sets down the Spatial principles that underpin the RSS

DP2 Which seeks to promote sustainable communities

DP4 Which looks to make the best use of existing resources and infrastructure.

Interim Planning Policy on New Purpose Built Student Accommodation – The aim of this policy is to seek to create balanced and therefore sustainable communities by restricting the development of new purpose built student accommodation in areas where there are already large numbers of students. Whilst the policy does not directly apply in this case the principle of seeking to control the amount of student accommodation in the area is appropriate.

Principle

The objective behind the application is to regularise in a more acceptable form the current unauthorised House in Multiple Occupation. The extension therefore has to be judged on its merits. Policy DC1 says that “the planning system needs to accommodate the demand for more living space, while at the same time ensuring that the amenities of neighbours are protected”. The principle of the proposed extension is therefore considered acceptable.

Scale and Mass – The extension exceeds the guideline of 3.65 metres for the rearward projection of extensions as set down in policy DC1, by 0.35 metres. Given

the orientation of the terrace and the any overshadowing is only likely to occur for a small time early in the morning the extra length is not felt to be significant. The use of a dual pitch roof so the eaves level along the common boundary remains at the same level will also serve to minimise its impact. Overall the scale and massing of the extension are considered to be appropriate for the size of building.

Design – The pallet of material used is a good match for the original building, whilst the design of the roof reflects that of the main building. Overall there are no design issues.

Residential amenity – The extension has not generated any complaints. As mentioned previously overshadowing from the extension is insignificant and the large size of the garden further reduces any impact it may have on the adjoining properties.

Standard of accommodation – Whilst the property is used as a student house in planning terms it remains a single family dwelling so long as it is not shared by more than 6 people. Therefore that the room layout is somewhat quirky is not a material consideration as the usage of rooms within a dwelling are not subject to planning control. There is sufficient space at the side of the extension for people to access the rear of the property.

Refuse Storage – There is space at the side of the property for the storage of refuse/recycling containers behind an existing fence.

Number of residents – As this is a retrospective application the premises are already provided with the eight bedrooms that formed part of the previously refused planning application. Whilst the applicant has recently, in order to safeguard his position appealed the earlier refusal, he has agreed to enter into an agreement under s106 of the Act whereby should this application be approved the numbers of bedrooms would be reduced to 6 and thereafter maintained at that level.

Conclusion – The use of the s106 to reduce the numbers of people resident in the premises is innovative and gives the City Council greater control should at a later date the applicant seek to reinstate the additional bedrooms. The extension itself raises no planning issues.

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

Minded to approve subject to the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) that restricts the number of bedrooms in the property to a maximum of six.

Minded to approve on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular Policy H2.2 which seeks to protect the amenity of residents from the adverse impact of development and policy DC1 which sets down the criteria to be considered when determining applications for residential extensions and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) 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: 446/1, 446/2 rev A and 446/3, received on 9th September 2009

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.

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: 091212/FH/2009/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)
Withington Civic Society
17 to 23 Booth Avenue,
4, 36 to 46 Ladybarn Crescent,
60a, 60b, 62, 62a, 62b, 64 to 68 Derby Road,

Representations were received from the following third parties:

None

Relevant Contact Officer : Dave Morris
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