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Withington Ward	Application Number 081245/FO/2006/S1	Date of Appln 3rd Jan 2007	Committee Date 15th Feb 2007
Proposal	Change of use of single dwelling to four self contained flats		
Location	17 Clifton Avenue, Withington, Manchester, M14 6UD,		
Applicant	Mr & Mrs Eilon C/o Agent		
Agent	Graham Bolton Planning Ltd Onward Building, 207 Deansgate, Manchester, M3 3NW		

Description

This application is the subject of a planning appeal against non- determination of the proposal within the statutory eight week period. The application relates to 17 Clifton Avenue which is the site of a 3 storey double fronted semi-detached dwelling-house with a single storey extension to the rear carried out through permitted development rights. The property is currently vacant, but was previously in use as a single family dwelling. The property is located some half way along the eastern side of the avenue. The surrounding area is predominantly residential, consisting of a mixture of single family dwellings, flats and houses in multiple occupation.

The Committee should note that they are no longer able to determine the application following the submission of the appeal. They can however, pass a resolution as to how they would have determined the application had they be able to.

The applicant proposes to convert the existing property into 4 self contained flats with 2 car parking spaces to the rear of the property and 2 car parking spaces at the front. Access to the flats is to be gained via the side (northern) elevation and includes the provision of external lighting and closed circuit television cameras to enhance security. The make up of the proposed flats consists of one three bedroom flat in each of the four floors. This includes the conversion of the basement and roof space to the living accommodation. Although access is proposed to the side of the property, the front door feature will be retained for visual reasons but will not provide any access.

Changes have been made to the external appearance of the property including period detailing on the elevations, the provision of hard surfaced areas for car parking, the removal of the front boundary wall and the erection of a single storey rear extension. These changes have been carried out under permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 and are therefore exempt from planning control.

Consultations

Local residents - 9 letters of objection have been received, two of which are from the same address. These are summarised below:

- (i) Concerns regarding the effect the development would have on the sewerage infrastructure by introducing new bathrooms and kitchens as part of

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the proposal. Also that the replacement of the front garden by parking would reduce the grounds ability to absorb rain water leading to flooding and drainage problems.

- (ii) The proposal would be vulnerable to crime due to the side access.
- (iii) Loss of half the front garden and boundary wall will be detrimental to the character of the neighbourhood.
- (iv) The access to the rear parking area is too narrow.
- (v) There is inadequate outdoor amenity space.
- (vi) The refuse storage facilities are inadequate.
- (vii) The number of prospective tenants represents an overly intensive use of the site and will lead to an increase in noise, litter and parking.
- (viii) The proposal seems to be designed to attract students and does nothing to encourage families to stay in the area. A balanced community is best for everyone.
- (ix) The proposal suggests that the units will be HMO units. This will increase comings and goings and reduce the privacy and peace of nearby residents.
- (x) The proposed parking is inadequate.
- (xi) The false front door and the removal of detailing below the eaves spoils the Victorian character of the house.
- (xii) The house is now designed to have 12 occupants but would not be subject to mandatory HMO licensing as each unit has less than 5 lettable rooms. This appears to be a deliberate ploy to reduce the protection that should be afforded to the tenants.

Ward Councillors - It is considered that the side access would cause additional noise and disturbance and is not acceptable from a security point of view given the high incidence of burglaries in the area. It is also considered that the removal of part of the front boundary wall and the displacement of the front garden by parking would be detrimental to the character of Clifton Avenue.

In addition to the above, it is considered that the potential for 12 students to live in the proposed accommodation would cause strain for the immediate surrounding households as it is part of a trend which has displaced resident families.

John Leech MP - The proposal represents overdevelopment and will result in increased traffic and parking problems on Clifton Avenue. The application also shows the entrance of the property being moved from the front to the side of the building. This will result in an increase in noise and disturbance for residents of the adjoining property and damage the character of this Victorian property. The loss of character is exacerbated by the fact that the application does not include the reinstatement of the front boundary wall.

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Environment and Operations Technical Services (Trees) - No trees are to be affected by the proposed works and as such I have no objection to the development.

Greater Manchester Police Architectural Liaison Officer - There were original concerns regarding the main access being at the side of the property as it would draw strangers deep into the site. However, following discussions between the applicant and GMP and the submission of an amended drawing including the provision of external lighting and CCTV, security concerns have been allayed. GMP have also recommended glazing widths of various sizes to enhance security.

Clifton Avenue Residents Group - Members have submitted individual letters and their comments are included within the objections made by local residents.

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 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 DC5 requires that consideration is given to the following:

the standard of accommodation;

the impact of adjoining properties in terms of noise disturbance;

The adequacy of off street car- parking, particularly in areas with recognised 'on street parking' issues;

The general effect on the character of the neighbourhood, in terms of the prevalence of the conversion and the potential for loss of front garden areas.

The provision of disabled access;

The provision of satisfactory arrangements for the storage and collection of refuse;

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and more recently on some planning issues, Planning Policy Statements (PPS). PPS3 which is referred to below should not be viewed as a material consideration on planning applications until 1st April 2007, although it may be capable of being a material consideration in particular circumstances prior to this date. In this case, it is considered relevant.

PPS1 - 'Delivering Sustainable Development' identifies sustainable development as a core principle underpinning planning. Emphasis is placed on

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the need for good design to ensure, attractive, usable, durable and adaptable places.

PPS3 - 'Housing' 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 services and infrastructure.

Principles of the Use - Policy DC5 of the Unitary Development Plan states that there will be a general presumption in favour of flat conversions within residential areas, particularly where the proposals will result in the retention and improvement of the housing stock. The application site lies within a residential area and the proposed residential development would be acceptable in principle if all the relevant policies were complied with.

In this instance, consideration needs to be given to the impact of the additional units, the provision of off street car parking and the impact on residential amenity. Members should be aware that the site has been the subject of two recent appeals for similar development.

Planning application 075099/FO/2005/S1 submitted on 18th March 2005 which related to the proposed conversion of the dwelling to three self contained flats. This was subject to an appeal against non determination by the City Council within the prescribed period. The Committee made a resolution for refusal of the scheme which also included a three storey rear extension and the provision of three off street car parking spaces in the front garden. This appeal was essentially dismissed due to the impact that the three storey rear extension would have on residential amenity and not the principle of conversion. Costs were subsequently awarded against the Council as the Council failed to produce any substantial evidence to support the first two reasons for refusal.

The second appeal which related to planning application 076480/FO/2005/S1, submitted on 23rd July 2005, involved the conversion of the dwelling to two self contained flats. This included the erection of a single storey rear extension carried out via permitted development rights and two car parking spaces in part of the rear garden. The application was recommended for approval but was refused at committee due to concerns regarding the impact of the off road car parking in the rear garden and the availability of on road car parking spaces. The application was subsequently allowed at appeal and costs awarded against the Council, as it was not considered that the off road car parking provision would be unsatisfactory or that it would lead to a negative effect on residential amenity.

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Although only the views of two Planning Inspectors, important conclusions were gained as a result of both appeals. Neither of the Inspectors considered that off road car parking in either the front or rear garden would be so unacceptable as to refuse planning permission, nor that the principle of converting the dwelling into individual units would have an unacceptable impact on the character of the area.

It was acknowledged that if the dwelling was to be subdivided there would be potential for more pedestrian and vehicle movements and more on street car parking. However, it is their view that Clifton Avenue is not homogenous and that some older houses have already been converted into flats, including the neighbouring property at 19 Clifton Avenue. It is therefore considered that although the character of the avenue could be affected by the development, it is not believed that it would be harmed so substantially or so materially as to be unacceptable in planning terms.

The views of the Inspectors as a result of the appeals can be treated as a material consideration as part of the current application, although the current proposal should also be assessed in accordance with its individual merits. Other issues regarding this application are outlined below.

Car Parking - The City Council would generally require the provision of one car parking space for each residential unit created. This has been provided in the form of 2 spaces in the front garden and 2 spaces in part of the rear garden. The numbers are therefore acceptable in policy terms. The car parking areas are already in situ via permitted development rights and bearing in mind past appeal decisions, it is not considered that the parking areas would be so unacceptable as to warrant a refusal of planning permission.

Concerns have also been raised in relation to car parking on the street frontage. There is no evidence that the area suffers from excessive parking problems or that the need for parking would be significantly increased as a result of the proposal. There is also a lack of evidence to say that the proposal would give rise to unacceptable parking problems. The proposal therefore accords with Policy DC5 of the Unitary Development Plan.

Boundary Wall - The front boundary wall has been demolished to facilitate access to the front car parking area. This work has already been carried out under permitted development rights. Therefore although there is a question over the impact this has on the character of the area, the work is lawful and should not materially prejudice the proposal. Moreover, the kerb was dropped and considered acceptable by the Council's Operational Services Department. Despite this, it is recommended that if permission is granted a condition should be attached requiring details of boundary treatment which would enable the reinstatement of part of the front boundary.

Character of the Area - Concerns have been raised regarding the impact the proposal would have on the character of the area. Many of the changes objected to such as the removal of the front boundary wall, changes to the windows, doors any other elevational features, have already been carried out via permitted development rights. The site is not within a Conservation Area, not subject to an Article 4 direction and is not listed. The changes have therefore been legitimately carried out whilst the building is a single dwelling house. It is therefore not considered that by converting the building into 4 self contained

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flats there would have any significant impact on the character of the area, although a condition will be inserted requiring the reinstatement of part of the front boundary wall. As such, the proposal accords with Policy DC5 of the Unitary Development Plan.

Residential Amenity - The immediate area surrounding the proposal site consists of a mixture of different tenures and there is no one particular house type or tenure which characterises the area, although many have already been converted into multiple use. The building is considered large enough to accommodate a small number of flats and whilst there will be an increase in the number of coming and goings associated with a building not in single occupation, it is not considered that the impact would be so significant as to be unacceptable. This view is also supported by the Planning Inspectors that dealt with the two previous applications that went to appeal. Moreover, planning permission has already been granted on appeal (076480/FO/2005/S1) for two self contained flats in the form of two, five bedroom duplex apartments. The current scheme proposes twelve bedrooms in the form of four, three bedroom flats. It is therefore considered that the addition of two more bedrooms would not have a significant detrimental impact on residential amenity.

Disabled Access - the applicant has not provided any arrangements for disabled access to the ground floor. However, it is acknowledged that the proposal is a conversion and the scope for disabled access is restricted by both the internal and external levels and the presence of steps at the front and side entrances.

Security - Concerns regarding using the side of the property for access and that it would draw people deep into the site will be overcome by the provision of external lighting along the side and rear of the property and with the entrance and rear car parking area to be monitored by closed circuit television. Greater Manchester Police are also satisfied with these measures and as such the proposal is considered acceptable. It is also recommended that a secure by design condition be attached if the proposal is granted permission.

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)/objectors/residents 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 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 **MINDED TO APPROVE** **Subject to an appeal against non determination**

on the basis that the proposal is in accord with the City council's Unitary Development Plan in particular policies H2.2 and DC5 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) Before the development hereby approved commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted Unitary Development Plan

3) The development hereby approved shall be carried out in accordance with the drawings numbered AE/MR:02-34, AE//MR: 02-21b, AE/MR: 02-23b, AE/MR: 02-30, AE/MR: 02-31, AE/MR: 02-32 and AE/MR: 02-33 stamped as received by the Local Planning Authority on 6th November 2003, drawings AE/MR:02-05A, AE/MR:02-06A stamped as received on 3rd January 2007 and drawings AE/MR:02-22b, AE/MR:02-20b stamped as received on 24th January 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 H2.2 of the Unitary Development Plan for the City of Manchester.

4) The flats shall not be occupied until the boundary of the site has been treated in accordance with details submitted to and approved in writing by the City Council as Local Planning Authority. The submitted details should include the reinstatement of part of the front boundary wall and include the colour of materials to be used.

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, to provide a sense of enclosure of the street and the property and to be in keeping with the character of the area, pursuant to policies H2.2, E3.3 and E3.5 of the adopted UDP.

5) A full landscaping scheme shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the

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development. The approved scheme shall be implemented not later than 12 months from the date that a flat within the development is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that a satisfactory landscaping scheme for the development is carried out, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - To reduce the risk of crime, pursuant to Policy E3.5 of the Unitary Development Plan for the City of Manchester and to reflect the guidance contained in PPS1 'Delivering Sustainable Development'.

7) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) Notwithstanding details already submitted, the development hereby approved shall include a lighting scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester

9) Notwithstanding details already submitted, the development hereby approved shall include details of closed circuit television surveillance of the external areas of the site, including details of how footage will be monitored.

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These details shall be submitted to and approved in writing by the Council as Local Planning Authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2 and E3.5 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: 081245/FO/2006/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 all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted on the application:

Other Unspecified Consultee

Environment & Operations (Trees)

Greater Manchester Police

Director of Housing

5 Raveley Avenue, Withington, Manchester, M14 6WA

4 Raveley Avenue, Withington, Manchester, M14 6WA

3 Raveley Avenue, Withington, Manchester, M14 6WA

2 Raveley Avenue, Withington, Manchester, M14 6WA

1 Raveley Avenue, Withington, Manchester, M14 6WA

4a, Clifton Avenue, Withington, Manchester, M14 6UB

5 Whiteoak Road, Withington, Manchester, M14 6UA

9 Clifton Avenue, Withington, Manchester, M14 6UD

7 Clifton Avenue, Withington, Manchester, M14 6UD

23 Clifton Avenue, Withington, Manchester, M14 6UD

21 Clifton Avenue, Withington, Manchester, M14 6UD

19 Clifton Avenue, Withington, Manchester, M14 6UD

Clifton Avenue Residents Group, C/o Helen Aczel, 15 Clifton Avenue, Withington, Manchester, M14 6UD

13 Clifton Avenue, Withington, Manchester, M14 6UD

11 Clifton Avenue, Withington, Manchester, M14 6UD

8 Clifton Avenue, Withington, Manchester, M14 6UB

6 Clifton Avenue, Withington, Manchester, M14 6UB

4 Clifton Avenue, Withington, Manchester, M14 6UB

2 Clifton Avenue, Withington, Manchester, M14 6UB

14 Clifton Avenue, Withington, Manchester, M14 6UB

10 Clifton Avenue, Withington, Manchester, M14 6UB

12 Clifton Avenue, Withington, Manchester, M14 6UB

3 Amherst Road, Withington, Manchester

18 Brook Road, Withington, Manchester

4 Amherst Road, Withington, Manchester

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Representations were received from the following third parties:

Environment & Operations (Trees)

Ward Councillors

, 2 Raveley Avenue, Withington, Manchester, M14 6WA

, Clifton Avenue Residents Group, C/o Helen Aczel, 15 Clifton Avenue,
Withington, Manchester, M14 6UD

, 8 Clifton Avenue, Withington, Manchester, M14 6UB

, 6 Clifton Avenue, Withington, Manchester, M14 6UB

, 12 Clifton Avenue, Withington, Manchester, M14 6UB

, 3 Amherst Road, Withington, Manchester

, 18 Brook Road, Withington, Manchester

, 4 Amherst Road, Withington, Manchester

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