

Application Number	Date of Appln	Committee Date	Ward
101616/FO/2013/N2	14th Feb 2013	25th Jul 2013	Levenshulme Ward

Proposal Proposed erection of a part single part two storey rear extension following the removal of the existing bay at first floor level

Location 160 Moseley Road, Levenshulme, Manchester, M14 6PA

Applicant Mr Elliott Ross , 1 Gibsons Road, Heaton Moor, Stockport, SK4 4JX,

Agent Mr Kevin Maloney, Blueprint Cad Ltd, 3 Ridgeway, Lowton, Warrington, Cheshire, WA3 2QL,

Description

This application relates to a red-brick terraced house, which is typical of properties in the area. The premises presently have an unauthorised uPVC clad first floor rear extension construction which projects by approximately 1.15 metres from a 2-storey rear outrigger. Its height is 2.85 metres with the base approximately 2.85 metres above ground level, meaning the top of the structure is approximately 5.7 metres above ground level. The extension is inset from the side elevation of the rear outrigger and the side boundary of the property and therefore avoids encroachment beyond the western boundary with 162 Moseley Road. It is used as an extended bedroom.

This extension was subject of an enforcement notice and an appeal against the notice was dismissed. The view of the Planning Inspector was that the position of the extension, on a terraced property close to the end of the row, would be visually prominent, and unsympathetic with the character and amenity of the surrounding area. It is therefore a requirement that this structure needs to be removed and it is proposed to replace it with a part single storey, part two storey extension which would be constructed in brickwork and roof tiles to match the existing property. The upper floor element would project approximately 1.125 metres, from the existing outrigger, and would be used as an extended bedroom, and the ground floor element would project approximately 3 metres, and be used as a kitchen and dining area.

The house is in multiple occupancy and it appears that such a use is well established and pre-dates the introduction of the Article 4 direction on 8th October 2011, which now requires planning permission to be obtained for conversions of Class C3 residential properties to Class C4 houses in multiple occupation for between 3 and 6 people. The premises currently have 4 single bedrooms and the proposal would not lead to any additional bedrooms being created.

The application site is near the end of a terrace and there are other properties in the area, in less prominent locations, where the uPVC upper floor bay extensions have been allowed. The map, attached as Appendix 1 shows the application site in relation to nearby properties where the bay windows have been allowed, properties where the bay windows have been dismissed, other properties where applications are under consideration for an identical type structure (appearing elsewhere on this agenda) and a property where an extension, similar to that proposed on this property, has been allowed on appeal.

Consultations

Local residents - No comments received.

Head of Regulatory Services (Contaminated Land) - Recommends that a condition is attached to any permission, requiring the installation of a proprietary gas membrane, due to the possible significant levels of contamination on the site.

South Manchester Regeneration - No comments received.

Issues

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

- An economic role - contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;
- A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high quality homes.

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan

documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H11 relates to Houses in Multiple Occupation and states that in areas of high concentration, extensions to HMO's (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC1.1 is relevant to the development and states that in determining planning 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 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 DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. they are not excessively large or bulky;
- b. they do not create an undue loss of sunlight, daylight or privacy;
- c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Policy DC1.3 states that, notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) in length
- b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
- c) 2 storey extensions to terraced properties which occupy the full width of the house
- d) flat roofed extensions to bungalows
- e) extensions which conflict with the councils guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.5 states that the Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester. In particular paragraph 2.3 relates to creating high quality environment through design and relationship to context and paragraph 2.45 refers to the need for neighbourhoods to contain a mix of housing and is therefore relevant to the analysis of the character of the area surrounding the application site. It also states that successful neighbourhoods offer a choice of housing to enable residents to continue to live in an area as their needs and aspirations change.

Principle - It is the case that the City Council has resisted the introduction of new HMO's in the area, within the vicinity of the site, and also the extension of existing HMO's, due to the proliferation of such uses in the area, their impact on the character of the surrounding area, and impact on amenity and local infrastructure. In this case the use of the property as an HMO for 4 people was well established at the time that the Article 4 Direction was introduced.

This application therefore relates solely to the specified extension and its impact, in terms of design and relationship to context, including residential amenity. It has also been considered in terms of its impact for providing additional space for an existing house in multiple residential occupation.

Design/Impact of extension - The material used in the existing structure is predominantly white UPVC with glazing, which does not match the adjoining brickwork. This structure would be removed and replaced with a structure which is much more in keeping with the existing property in terms of the materials used in its construction. It would lead to the loss of some of the yard area although the projection is in line with City Council policy, and the upper floor element matches the projection of the existing structure. There are also a number of similar structures in the surrounding area. It is not therefore considered that the structure itself would have an adverse impact upon the visual amenity of the area or the amenity of surrounding residents.

Residential amenity/Intensification of use - Although there will be no increase in the number of bedspaces, the proposal would lead to a marginal increase in size of one of the bedrooms and a new kitchen/dining area. Whilst this could create the potential for a more intensive use of the property, the applicant has stated that the number of occupants would remain the same.

A recent application (101960/FO/2013/N2) for an identical extension, on a nearby property (62 Brailsford Road), was approved and the applicant signed a section 106 agreement confirming that the extension would not be utilised to increase the number of people living at the site, as this is seen as the most appropriate way of controlling the number of occupiers of the building. In this case the applicant was requested to enter into a similar agreement, but does not wish to do so. He considers that the extension is in line with City Council policy and refers to other identical extensions, granted planning permission, in the immediate area. In particular he refers to an application at 60 Braemar Road (097993/FO/2011/N2), which was refused planning permission, in March 2012, but allowed on appeal. At that time the Inspector concluded that she did not consider the extended space to be suitable for subdivision and that the extension would not, in practical terms, lead to additional occupation of the building.

In principle it is considered that larger sized accommodation does have the potential to lead to a consequential increase in general activity, comings and goings, waste generation, noise and car parking demands, at the site. In this case, whilst the applicant is not willing to sign a section 106 agreement, he has confirmed that occupancy levels would not increase, and the proposed accommodation indicated does not, as proposed, lead to any additional bedrooms being created. Bearing in mind the appeal decision at 60 Braemar Road, it is likely that the Planning Inspector would come to a similar view, if planning permission were refused and an appeal made. With no increase in occupants the proposed extension of the property would not therefore result in a significant increase in levels of activity at the site and it is not considered that the extension has a detrimental visual impact upon the area. On balance it is therefore considered that planning permission be granted.

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 Core Strategy and saved policies of 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. She 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
Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Reason for recommendation

Approve in the light of policies SP1, H11 and DM1 of the Manchester Core Strategy Development Plan Document on the basis that the proposed scheme will significantly improve the thermal efficiency of the building and will not create any visual or residential amenity harm within the area.

Conditions to be attached to the decision

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:
Drawing numbers 330/001, 330/002 and 330/003 stamped as received by the City Council, as Local Planning Authority, on 11 February 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy

3) The development hereby approved relates to the provision of an extended bedroom and new kitchen only as indicated on drawing number 330/001 stamped as received by the City Council, as Local Planning Authority, on 11 February 2013. The extension shall be used for these purposes only and shall not be converted/sub-divided to form additional bedrooms.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) All new external work and finishes and work of making good must match existing original work adjacent in respect of materials, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved.

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, pursuant to policies SP1 and DM1 of Manchester's Core Strategy and policies DC1.1, DC1.2, DC1.3 and DC1.5 of the Unitary Development Plan for the City of Manchester.

5) The development shall include the installation of a proprietary gas protection membrane, in order to alleviate any possibility of landfill gas ingress to the building. Prior to development commencing on site, appropriate and comprehensive construction designs shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be completed in accordance with these approved details.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, policy DM1 of the Manchester Core Strategy.

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: 101616/FO/2013/N2 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:

South Manchester Regeneration - Central SRF
158 Moseley Road, Manchester, M14 6PA
160 Moseley Road, Manchester, M14 6PA
162 Moseley Road, Manchester, M14 6PA
67 Braemar Road, Manchester, M14 6PR
69 Braemar Road, Manchester, M14 6PR
71 Braemar Road, Manchester, M14 6PR

Representations were received from the following third parties:

Relevant Contact Officer : Ian Jarvis
Telephone number : 0161 234 4079
Email : i.jarvis@manchester.gov.uk

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Appendix 1

-  Application site
-  Applications for similar extensions appearing elsewhere on agenda
-  Appeal dismissed (upper floor bays)
-  Appeal allowed (upper floor bays)
-  Application for similar extension allowed on appeal

