

Application Number	Date of Appln	Committee Date	Ward
113585/FO/2016	20th Sep 2016	15 th Dec 2016	Whalley Range Ward

Proposal Erection of single storey rear extension; creation of lightwells to front, side and rear; conversion of basement and enlargement to existing rear dormer in connection with a reduction from 5 flats to 4.

Location 17 Chandos Road, Manchester, M21 0SS

Applicant Karina Brennan , 10 Chandos Road, Manchester, M21 0ST,

Agent

Description

This application relates to a large two storey semi-detached villa currently in use as five self-contained flats for which a Certificate of Lawful Use was granted in March 2015 (reference 101950/LE/2013/S1). The accommodation comprises four, one bed studio flats and one, two bed apartment. The property has an elevated ground floor with space in the basement as well as accommodation in the roof void. On the front elevation there is a two storey bay with a flat roof enclosed by railings, which it is accessible via a window and a cat slope dormer on the roof. At the rear of the property is another two storey bay, and small single storey lean to, with a cat slope dormer on the roof. There is a garden to the front of the property with a drive and a large rear garden 19 metres long.

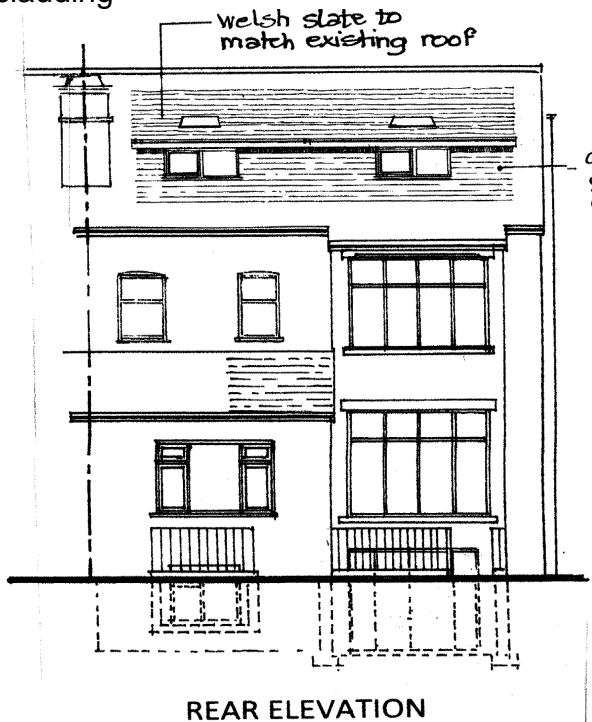
Chandos Road is a residential cul de sac. It is approximately 172 metres long and there is no turning head. There are also a number of street trees.

According to Council records five of the 28 properties in the Road are in use as flats. Four of which, including the application site, are let in five flats and one in three flats. It must be noted that this application is for external works to the property and the change of use to four apartments does not require planning permission.

Permission is now sought to erect a dormer window on the rear elevation of the property, a basement and ground floor extension at the rear of the property, the creation of a sunken terrace at the rear and the provision of lightwells to three existing windows, one at the front of the property and two at the side and a fourth at the rear on an existing window that would be enlarged as part of the extension.

These works form part of a wider refurbishment of the property which will see the number of flats reduced from five to four, albeit they will all be two bedroom and the currently vacant basement will be brought into use. The reduction in the number of flats would itself not be development for which planning permission is required. The proposed rear dormer is of the cat slope style and replaces the existing dormer. The dormer which is located on the rear roof is 6 metres wide, and the front face 1 metre high, set in 0.8 metres from the eaves. It is set in 0.7 m from the shared boundary with the adjoining property and 0.5 metres from the edge of the roof. The

dormer would have a sloping roof starting from a point 0.5 metres down the pitch of the roof from the ridge. There would be two windows in the face of the dormer and two roof lights. The dormer would accommodate the second bedroom and the bathroom for the upper flat. The dormer would have a slate roof to match the existing and submitted drawings show the face and cheeks clad in grey uPVC shiplap cladding



The proposed rear extension would sit alongside the existing rear lean to. It would have the same profile as the lean to projecting 2.8 metre and 1.7 metres wide. The extension would be of brick construction with a matching tile roof. The existing ground and basement level windows in the rear of the lean to would be enlarged and an additional window in the ground and a new window installed in the side elevation at basement level.

The lightwell at the front of the property would project 0.7 metres, be 1.1 metres wide and 1 metre deep. The two at the side would each project 0.5 metres, be 0.7 metres wide and 0.5 metres deep and the one to the rear of the lean to would project 0.8 metres, be 1 metre wide and 0.9 metres deep. All the lightwells would be enclosed by 1 metre high railings.

The proposed sunken terrace would be alongside the lean to extension and project 2 metres, be 2.1 metres wide and 1.5 metres deep. It would be accessed via French doors installed in the rear face of the original property and be enclosed by 1 metre high railings.

It is also proposed to install a set of 1.3 metre high French Doors in the gable of the front elevation giving access to the roof of the two storey bay.

In support of the application the applicant has conducted a parking survey. The survey was conducted over 20 nights between midnight and 5.00am in September, October and November. The applicant identified 41 potential on street parking

spaces and at the times of the survey the occupancy varied from a low of 15 to a high of 25.

In addition copies of letters have also been provided by a local estate agent and the applicants solicitor. The estate agent indicates that the applicant has always sought to rent the properties to single professional tenants. The solicitor refers to two of the applicants earlier schemes in the area. In one all four two bedroom flats were let to single tenants and in the other only two of the six flats were leased to couples.

Consultations

Ward Members

Councillor Angeliki Stogia has written in respect of the application. Councillor Stogia confirms that she has been contacted by supporters and objectors to the planning application. She considers that there are merits to both sides of the argument and requests that the application is determined by Committee.

Local Residents.

One letter has been received supporting the application. Since the current owner took over the management of the property matters have improved and there are no longer issues with the behaviour of the tenants. Parking for the tenants of the property has not been a problem in the 11 years that they have lived next door.

17 local residents have written objecting to the proposed development. The grounds for objecting are summarised below.

- The appearance and mass of the proposed dormer are out of character with the area.
- The dormer would result in the overlooking and consequential loss of privacy for residents.
- As the Council has previously refused planning permission to convert the basement of 14 Chandos Road into a flat making four in total in that property the property the use of the application site as four flats would result in the over intensive use of the site and is therefore contrary to Council policy.
- As flats the property does not have permitted development rights and the Council cannot confer such rights on the property.
- The proposed changes are linked to an increase in the amount of usable space within the property and this contributes to what would be the over intensive use of the property. This intensification was accepted and 14 Chandos Road and also at 91 Palatine Road.
- Irrespective of the presumption in favour of development, or the fact that planning permission is not required for the internal modifications to reduce the number of flats from 5 to 4 the Council cannot approve modifications that will result in an over intensive use of the property that would be contrary to their own planning policy. This applies to this application which would result in the more intensive use of the property.

- Case law suggests that whilst planning permission is not normally required for a reduction in the number of units in a building, it is needed when the development is contrary to local policies. This was established in London borough of Richmond upon Thames v Secretary of State for the environment, Transport and Regions and another (2000).
- Certificates of Lawful Use do not allow for a future intensification of use that would normally be subject to enforcement as is proposed here. The Planning Portal says that the Certificate of Lawful Use will not protect from enforcement action by the Council if the use specified is then changed materially.
- The Certificate of lawful use granted to this property is for flats on the ground first and second floors. Arguable the basement is outside the planning unit and therefore to expand into it requires planning permission.
- The use of the property a four, two bedroom flats (16 persons as opposed to 12) would result in the over intensive use of the property. Being comparable with the application to create a fourth flat in the basement of 14 Chandos Road which was refused twice in 2007 and 2013.
- All of the proposed alterations are required to facilitate the over intensive use of the property.
- The proposed development fails to provide adequate parking for the future residents in a street where parking is problematic.
- The conversion of the basement requires planning permission.
- The Council has previously refused permission in this road and others in the City for the Conversions of basements to flats on the basis of overdevelopment.
- The applicant owns two other properties in the road and should permission be granted it is assumed that applications for these to be similarly converted will follow.
- Chandos Road primarily comprises family houses and this proposed will impact on the character of the area and further reduce the likelihood of the properties being returned to family use in future.
- The lack of space to park on street has led to several residents converting the front gardens to parking which affects the character of the area.
- There would be insufficient amenity space for use by residents.
- The space shown for the storage of bins on the plans is inadequate.
- No objection to the property remaining in flats but is concerned about the volume of the scheme.
- The additional residents using the [property would result in an increase in noise.
- The proposed development would result in a density of 124 units per hectare, whereas the Core Strategy states that high density development, that is developments of 70 units per hectare, will only be allowed in the City Centre and District Centres.
- The current density in respect of rooms is 254 habitable rooms per hectare the development will take this to 415 rooms per hectare.
- The Council cannot allow the fact that the property has a Certificate of lawful use be the basis for allowing an illegal use to be further developed.
- Guidance for what constitutes a material amendment for which a fresh planning application might be required include

Significant increase in size

- Changes to windows or openings that may impact on neighbouring properties
- Changes that alter the description of development

Changes in the application site area.
Significant alterations to the design or siting of the proposals
Changes that would affect objections to the original proposal
An adopted planning policy would be breached.

Strategic Area and Citywide Support Manager

No objection in principle subject to conditions restriction the times that contractors may work and in respect of the storage of refuse.

Greater Manchester Police Design for Security

The proposed rear extension should not provide any potential climbing aid to potential intruders. The scheme appears acceptable in relation to security.

Highways

The proposed development could impact on on-street parking. The site is located close to public transport routes via bus services on Wilbraham Road and Metrolink at the nearby Chorlton Station.

Policy

Core Strategy

The relevant Core strategy policies are SP1, H1, H11 and DM1.

Policy SP1 is relevant to this application in that it established the spatial principles to be considered in determining applications for planning permission. Of particular relevance to this application is need to provide high quality and diverse housing around district centres which meet local needs. New developments should make a positive contribution to neighbourhoods of choice.

Policy H1 is relevant in that local residents have raised the issue of density in their objections to this application. The policy targets high density development towards the City Centre and District Centres and says that the emphasis outside of these areas and the inner areas will be on family housing and therefore lower densities may be appropriate.

Policy H11 requires new flats to provide a high standard of accommodation and is relevant to this application as the works are required to improved the quality of the accommodation on offer.

Policy DM1 Seeks to protect the amenity of an area from the adverse impact of development and is relevant as this proposal involves physical alterations to the exterior of the property.

Unitary Development Plan

The relevant saved Unitary Development Plan policies are DC1 and DC5

Policy DC1 is relevant to this application as it sets down the criteria to be considered in determining applications for residential extensions, including flats. The policy seeks to protect the character of the area as well as the amenity of adjoining residents. The policy says that rear extension projecting more than 3.65 metres will not normally be allowed. There is no prescriptive guidance in respect of dormers.

Policy DC5 this policy is relevant in that it was referred to by objectors to the application. The policy seeks to achieve a high standard of accommodation in flatted developments and seeks to protect the amenity of residents from excessive noise and activity caused by the additional accommodation.

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: “Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The impact of the proposed development on the above mentioned policies and guidance are assessed in the following sections.

Issues

Principle

This application seeks to extend an existing property let in flats in order to improve the standard of the accommodation on offer. It is considered that the broad principle of the proposed works is acceptable and accords with the objectives of the Council.

Certificate of Lawful Use

A Certificate of Lawful Use is a means of regularising the planning status of a development. It may be that the development came into being prior to planning controls being introduced, a permitted change under the General Permitted Development Order or Use Classes Order or the development is unauthorised and has not been the subject of enforcement action. It is incumbent on the applicant to provide evidence to support the application. Provided that on the balance of probability the evidence demonstrates that the use has been carried on for the requisite period the Council must issue the Certificate of Lawful Use.

The certificate of Lawful use for the application property was granted on 29th March 2013 reference 101950/LE/2013/S1. The certificate states that the lawful use of the property, 17 Chandos Road, Chorlton, M27 0SS is five self contained flats. In order

to obtain the Certificate of Lawful Use the applicant has, for residential accommodation to demonstrate that the use has been carried on continuously for four years prior to the date of application. In this case evidence was provided which supported the applicants claim regarding the use and on this basis the Certificate was granted. This allows the continued use of the property as 5 flats and does not restrict the flats in terms of size or prevent the use of the roof space and or basement.

Need for Planning Permission

Planning permission is only required to increase the number of flats in a property. Ordinarily planning permission is not required to reduce the number of flats as is the case with the application property. Where the use is lawful as a result of the granting of a Certificate of Lawful use unless the reduction would materially deviate from the lawful use of the property, then planning permission is not required. In the case of 17 Chandos Road the Certificate of Lawful Use does not specify which parts of the property are covered, only the address and not the size of the flats. Accordingly it is considered that as long as the development does not entail an increase in the number of flats, which it does not, the incorporation of the basement and a reduction in the number of flats is not development for which planning permission is required.

Intensification

Residents claim that the proposed expansion of the property into the basement and the creation of four two bedroom apartments, with potentially 16 residents as opposed to the current 12, represents an intensification of use and that planning permission is therefore required for the use as well as the other works the subject of this application.

Reference is made to the refusal of the two applications for the creation of a fourth flat at 14 Chandos Road and also the refusal of consent for 4 flats at 91 Palatine Road. In both cases it was considered that the development constituted an over development on the basis of the numbers of flats created, rather than the number of bedrooms.

In the case of 14 Chandos Road the proposal involved the creation of an additional flat and in this regard differs significantly from the scheme at 17 Chandos Road which involves a reduction in the number of flats. Thus whilst the use of a similar property at 14 Chandos Road as four flats was considered to be over development, the reduction to four flats at number 17 is considered to be a positive step.

1 Palatine Road was the subject of an appeal, the main issues being the loss of a family house and the intensification of use. In dismissing the appeal the Inspector accepted the Councils argument regarding the loss of a family house and said in respect of density "Whilst this (the change of use) may not necessarily lead to an increase in the overall number of persons living at the property it would result in an increase in the occupancy of the property from one to four households, each of which would generate its own separate level of activity". This current proposal would result in a reduction in the number of household within the property.

It is considered that an argument that the proposal would result in the intensification of use of the property cannot be substantiated.

Design

The design of the proposed rear dormer has been modified from one with a flat roof to one with a sloping roof, which has the effect of reducing the height of the face of the structure. This style of dormer, albeit much reduced in size can be found on both the front and rear elevations of the property and others in the area. It is considered that the design of the dormer is appropriate to the property and had it been a dwelling rather than flats the design would have been permitted development.

Of concern is the use of grey uPVC cladding for the front face and cheeks of the dormer. Whilst not ruling this out as a choice of material, should consent be granted, it is proposed to add a condition requiring the approval of the materials, in order that a thorough assessment of the materials pallet can be made.

The proposed rear extension enlarges the existing lean to extension that is part of the original property. The rearward projection is quite modest and its design reflects the existing lean to and does not alter its profile. There are no design issues in respect of the rear extension

The design of the lightwells and sunken terrace give rise to no significant issues, they are all modest in their scope and will not detract from the appearance of the building, whilst the metal railings used to enclose them are a feature already found on the roof of the first floor front bay.

It is considered that the design of the proposed building works are acceptable subject to agreement being reached in respect of the materials, which can be addressed through a condition. The proposed development therefore accords with Core Strategy policy DM1 and saved Unitary Development Plan policy DC1.

Standard of accommodation

Whilst not material to this application, in terms of space standards the flats in the development fall between the 61 square metres for a 2 bedroom 3 person flat and the 70 square metres of a 2 bedroom 4 person flat. It is generally regarded that two bedroom apartments offer greater flexibility and consequently tenants are more likely to stay longer and contribute to the community. On balance it is considered that the standard of accommodation accords with Core Strategy policies SP1 and DM1 and saved Unitary Development Plan policy DC5

Residential Amenity

In terms of potential physical impacts from the aspects of the proposal, the proposed works would not result in over shadowing or have an overbearing impact on any of the adjoining properties.

The proposed development would result in three new windows in the elevations of the property. A bedroom and bathrooms windows in the dormer and a bedroom window in the side of the proposed extension at basement level.

The windows in the dormer would be approximately 17.5 metres from the foot of the gardens and it is considered that at such a distance privacy would not be an issue.

The window in the side of the proposed extension would face the side of the sunken terrace and again would not give rise to any privacy issues.

In terms of visual impact only the front lighwell would be visible from the public domain, however, it is sufficiently small not to have any significant impact on the setting of the building. All the other works would be visible only from the backs of the surrounding properties. It is not considered that the proposed works would significantly detract from the visual amenity of the area. The proposed development therefore accords with Core Strategy policies SP1 and DM1 and saved Unitary Development Plan policy DC1

Parking

The existing parking arrangements are not affected by any of the works the subject of this application. However, it has been raised by residents as an issue. The Councils current practice is to require one space per dwelling. Whilst the development makes no provision for off street parking, the survey carried out by the applicant suggests that there is space available on street. Further, as the development would result in the loss of a flat there would be less pressure on street parking as the development would only require four not five spaces.

Amenity Space

The retained rear garden is approximately 150 square metres which it is considered would be adequate for the four flats occupying the property. The proposed development therefore accords with the provisions of Core Strategy Policy H11 and saved Unitary Development Plan policies DC1 and DC5.

Refuse Storage

The development does not affect the current arrangements for the storage of refuse, which currently takes place at the front of the property. The development will require three black and one green 140 litre bins and one blue and one brown 240 litre bins. These would be stored at the side of the property behind the existing gate. result in a reduction in the number of bins at the property and the submitted drawings show them stored behind the existing fence at the side of the property. The bins would be moved to the street for collect .

The arrangements for the storage of waste are in accordance with the Council's waste management guidelines.

Conclusion

Should consent not be forthcoming the property would remain in five flats which on balance it is considered would be a more intensive use of the site, whilst offering a lower standard of less flexible accommodation.

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 polices of the Unitary Development Plan, the Head of Planning, Building Control & Licensing 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 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of the application in particular the design of the rear dormer.

Reason for recommendation

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:

Proposed Plans and elevations Revised plan stamped as received on 20th November 2016

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

3) Notwithstanding the materials specified on the approved drawings, 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.

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 policies SP1 and DM1 of the 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: 113585/FO/2016 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:

Highway Services
Environmental Health
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

4, 8, 9, 12,15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 29 and 31 Chandos Road,

Relevant Contact Officer : Dave Morris
Telephone number : 0161 600 7924
Email : d.morris@manchester.gov.uk



 Application site boundary  Neighbour notification
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