

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130429/FO/2021

Date registered valid: 7 June 2021

Proposal: Basement conversion to create an additional 1 no. self contained apartment together with the enlargement of an existing studio apartment to create duplex apartment, creation of lightwells and insertion of windows into existing bricked up openings

Address: 2 Vincent Avenue, Manchester, M21 9GR

Ward(s): Chorlton Ward

Applicant: Doveton 2 Vincent Avenue, Manchester, M21 9GR

Agent (if any): Mr Simon Casey BlueChip Architecture Ltd 18 Botany Road, Manchester, M30 8JS

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17.11.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25.06.2021

Standard consultations:

Printed: 30 July 2021 Expired: 20 August 2021

Neighbour notifications

Printed: 21 June 2021 Expired: 12 July 2021

Site notice

Posted: 5 July 2021 Expired: 26 July 2021

Press advert

Published: 29 June 2021 Expired: 20 July 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a part two part three storey semi detached villa currently let in in six flats one of which is a bed sit.



The property is an interlocking semi, the other half being 3 Oswald Road. At the rear there is a two storey lean to which appears to be original and there is a modern single storey with basement extension. There is a front garden containing a drive. A passage at the side of the property leads to the rear garden. Refuse is stored in the passage at the side of the property. There is a large shed in the rear gardens described on the submitted plans as a cycle store.



In February 2012 planning permission reference 098087/FO/2011/S1 was refused for the creation of two one bedroom flats in the basement. The subsequent appeal was dismissed. The reasons for refusing consent related to the over intensive use of the site, the impact of the loss of the front garden to parking, the lack of parking and the unsatisfactory nature of the separate access to the proposed flats.

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane Conservation Area 2005

Tree Preservation Order: Not applicable

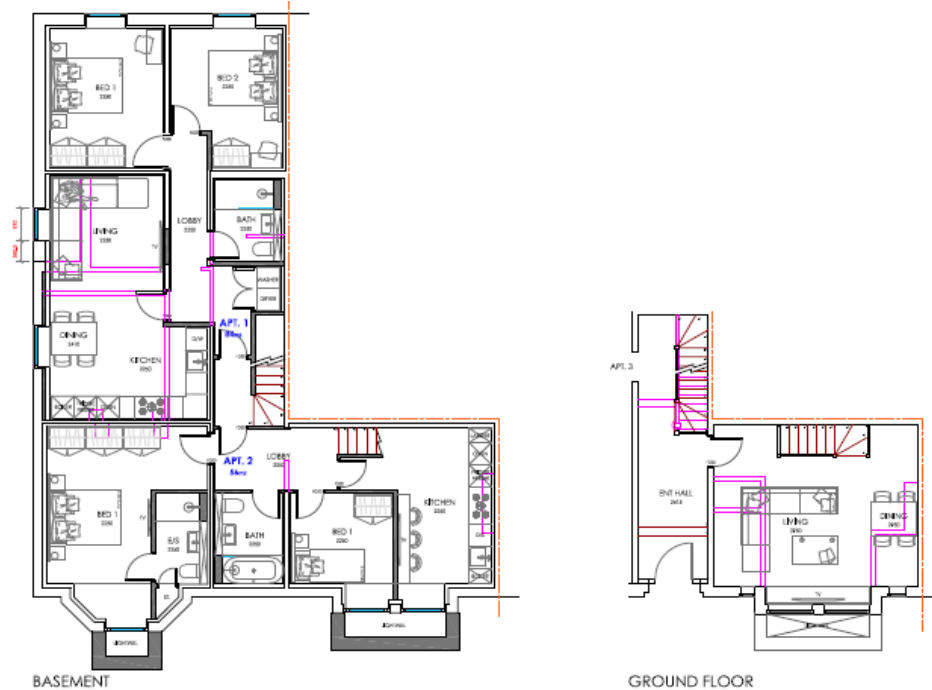
Description of area

The site is in a predominantly residential area adjoining Chorlton District Centre. Vincent Avenue is a tree lined residential Cul de Sac containing a number of large villas some of which are converted to flats.

To the east is the other half of the semi and the yard and rear elevation of a commercial property on Oswald Road. To the north is a lock up garage site. To the west is another semi detached property and facing across Vincent Avenue is a similar interlocking semi.

Description of development

Consent is sought to create a two bedroom self contained flat and enlarge the existing bed sit into a two bedroom duplex flat using the existing basement which was enlarged when the extension was built. Both flats are accessed from the existing entrance to the building. The new flat is 84 square metres and the enlarged duplex is 81 square metres.



Natural light to the flats will be provided by opening up existing bricked up windows. The two front windows requiring small lightwells. The change in ground levels towards the rear of the property and the elevated nature of the ground floor means that the rear windows do not require light wells.



Refuse is stored at the side of the property and no additional parking is proposed.

Consultations & Notification Responses

Local Residents

Two residents have written in objecting to the proposed development. This issues raised are summarised below.

- The current plans will raise the entrance hall by several feet, which also necessitates a major alteration to the two staircases on the ground and upper floors. This is to adjust the entrance hall to the raised floor in the existing flat 1 which was subject to a conversion and extension in 2014. Instead of scooping out earth and lowering the level of the floor in the basement under flat 1 to create more headroom, the owner raised the floor. The new plans will be a major alteration to a late Victorian house and would entail major rebuilding of the house while residents reside in the property.
- There is insufficient parking for the existing flats and a further flat will make this worse, exacerbating existing parking issues in the area. Service vehicles already have difficulty accessing properties due to parked cars.
- The propose lightwell will prevent the use of the existing parking space
- The proposal will result in the over-intensive use of the site.
- There is insufficient amenity space for the use of the residents which will affect their wellbeing as will the lack of natural light to the flats.
- The internal alterations will have safety implications
- The rear light well will be vulnerable to crime.
- The applicant prepared for this application when constructing the rear extension by including window openings which were subsequently bricked up.
- Two new residents in the property were not notified of the development.
- The additional flats will result in an increase in noise.
- An amended site layout, now superseded, showed additional parking ion the front garden. Concern is expressed that the parking will impact on the character of the conservation area as well as not working as cars would be blocked in the site.
- Concern is expressed that the applicant does not understand how the refuse recycling system works.

One letter has been received supporting the application.

Environmental Protection.

The revised refuse storage arrangements are acceptable.

Highways

It is expected that the development will result in additional on-street parking on Vincent Avenue, which is already at capacity in terms of residential parking. However, it is also noted that the site is located in a sustainable district centre location with access to bus and Metrolink services.

Cadent

Have provided their standard comments for working in close proximity to their equipment. These have been forwarded to the applicant.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1, EN3

Policy SP1 sets down the spatial principles that will guide development in the City.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 seeks to protect the City's heritage assets from the adverse impact of development.

Unitary Development Plan.

The relevant saved UDP policies are DC5 and DC18

Policy DC5 sets down the criteria to be considered in determining applications for flat conversions.

Policy DC18 seeks to preserve or enhance the City's conservation areas

Issues

Principle

The property is already let in flats and consequently as the proposed development will not result in the loss of a family dwelling, it is in principle acceptable.

Appeal

In dismissing the appeal into the refusal of the Council to grant consent for two basement flats, the Inspector identified four issues:

- a. the effect of the proposal on the living conditions of the occupiers of the flats and others living nearby; In this regard the Inspector said "This represents an increase of only one third in the level of residential occupancy of the existing building such that the additional comings and goings would be unlikely to result in any material increase in activity affecting the occupants of nearby properties." However, he did conclude that the proposed entrance to the new flats would impact on the amenity of the other flats in the buildings as people using the entrance would need to pass bedroom windows.
- b. the safety of the proposed access arrangements to the proposed basement flats; the Inspector agreed with the Council that the new access to the proposed flats could be vulnerable to crime
- c. the adequacy of the proposed car parking arrangements and their effect on pedestrian and vehicular safety; In this respect the Inspector concluded "in view of the availability of alternatives to the private car, there is no reason to assume that the development would necessarily give rise to a greater level of parking demand than the one off-street space per additional dwelling proposed. The site is in a good location to encourage walking, cycling or public transport use in accordance with CS policy SP1. Taking that into account, I consider the proposed parking provision would be likely to prove adequate and would not give rise to any significantly increased risk to pedestrian and vehicular safety.
- d. the effect of the proposal on the character of the conservation area: the Inspector stated that "the creation of light wells behind traditional railings, would be similar to many other basement flat developments in the area and, despite the resulting small loss of garden area, would not be out of character in that regard." In respect of the use of the front garden for parking the Inspector added "Although the surfacing of the currently concreted areas would be improved, the loss of the lawn would fail to preserve the character of the area.

Intensification

In rejecting the proposal for two flats the Inspector did not consider that the additional flats would impact on the amenity of the wider area but only on the flats within the building, and then in respect of the access to the flats only. It is therefore considered that the enlargement of the bedsit and the creation of one additional flat would not result in the over intensive use of the

property. It should also be borne in mind that the property is now larger than at the time of the appeal.

Standard of accommodation

The proposed flat and the enlarge studio flat would meet the Council's space standards. On balance it is considered that the proposed development would provide an acceptable standard of accommodation.

Parking

As the Inspector identified this is a sustainable location adjacent to the district centre with public transport available close by, including Metrolink light rail which is within walking distance. Whilst the Council's current practice would require one additional space. The photograph below shows the view up the street during the day which suggests that there is a demand for on-street parking, however, this is symptomatic of Chorlton District Centre where most parking takes place in the surrounding residential streets



Nevertheless this is a sustainable location in which the non ownership of a car is a practical proposition, and there is a secure shed for the storage of cycles, on balance it is therefore considered that the lack of one additional parking space is not so significant as to support the refusal of consent in this instance.

The front garden is approximately 7.3 metres deep and therefore the creation of the shallow lightwell to the front bay will not prevent the use of the existing parking space.

Refuse

The refuse storage scheme has been amended and there is now adequate capacity for the existing and proposed flats. This is to be stored at the side of the property and this is considered acceptable.

Impact on the Character of the conservation area.

The proposed development, save for the insertion of windows at basement level and the creation of two small lightwells, impacts little on the appearance and setting of the existing dwelling. On balance it is considered that the development will have a neutral impact on the character of the conservation area.

Residential amenity

As referred to earlier the Inspector felt that the proposed development in terms of its coming and goings would not impact on the amenity of the area. In terms of the new windows there are at low level and do not give rise to any privacy or overlooking issues.

It is considered that the proposed development will not significantly impact on the amenity of residents.

Internal works

Internal works not resulting in an increase in accommodation would not require consent, and whilst this may be a fine Victorian property it is not listed and therefore works to the interior do not require consent.

Notifications

Notification letters were sent to the six flats making up 2 Vincent Avenue. It is incumbent upon the landlord or the departing tenant to advise the new tenants of the development.

Crime and disorder

Concern was raised about the potential for the rear windows to be vulnerable to crime as a result of the light well. However, as can be seen in the photograph the windows would be above ground level and it is considered that this is no more vulnerable than any ground floor window.



In the current proposal both flats would share the existing front access with the existing flats thereby addressing the concerns of the Inspector from the previous appeal decision.

Conclusion

It is considered that the proposed development addresses the concerns raised by the Inspector in dismissing the previous appeal for two flats. On balance it is considered that this revised proposal complies with Council policy and is therefore acceptable.

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 a right to a fair hearing and to this end the local planning authority 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 Director 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 recommendation given is proportionate to the wider benefits of 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 this application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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:

21003/201 revision A received 27 July 2021

21003/210 revision A received 7 July 2021

21003/220 revision B received 2 November 2021.

21003/230 received 7 July 2021

Heritage Statement by Bluechip Architecture Ltd received 27 July 2021

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) The details of the approved scheme for the storage of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are adequate arrangements for the storage of refuse pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC5.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the existing wall to Vincent Avenue shall be retained in its current form

Reason - To protect the character of the Wilbraham Road/Edge Lane Conservation Area from the loss of an original boundary Wall pursuant to Core Strategy policies DM1 and EN3 and Saved Unitary Development Plan policy DC18.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no hardstanding or enlargement of the existing hardstanding shall be constructed at the front of the property.

Reason - To preserve the character of the Wilbraham Road/Edge Lane Conservation Area pursuant to Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policy DC18

6) The basement two bed apartment and the enlarged ground floor studio flat to form a two bed duplex as set out on the hereby approved drawings shall not be sub divided or in any way have their floorspace reduced from that shown on the approved drawings.

Reason - the ensure that the size of the flats accords with the Council's current space standards pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC5.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Chorlton Voice

4 Vincent Avenue, Manchester, M21 9GR
3B Oswald Road, Manchester, M21 9LH
Flat 3, 2 Vincent Avenue, Manchester, M21 9GR
Flat 7, 2 Vincent Avenue, Manchester, M21 9GR
Flat 2, 2 Vincent Avenue, Manchester, M21 9GR
3A Oswald Road, Manchester, M21 9LH
Flat 7, 1 Oswald Road, Manchester, M21 9LH
Flat 4, 3 Oswald Road, Manchester, M21 9LH
Flat 3, 1 Oswald Road, Manchester, M21 9LH
Flat 1, 3 Oswald Road, Manchester, M21 9LH
Flat 5, 2 Vincent Avenue, Manchester, M21 9GR
Flat 4, 2 Vincent Avenue, Manchester, M21 9GR
Flat 1, 2 Vincent Avenue, Manchester, M21 9GR
Flat 6, 3 Oswald Road, Manchester, M21 9LH
Flat 5, 3 Oswald Road, Manchester, M21 9LH
3 Vincent Avenue, Manchester, M21 9GR
Flat 9, 1 Oswald Road, Manchester, M21 9LH
Flat 8, 1 Oswald Road, Manchester, M21 9LH
Flat 6, 1 Oswald Road, Manchester, M21 9LH
Flat 5, 1 Oswald Road, Manchester, M21 9LH
Flat 4, 1 Oswald Road, Manchester, M21 9LH
Flat 3, 3 Oswald Road, Manchester, M21 9LH
Flat 2, 3 Oswald Road, Manchester, M21 9LH
Flat 2, 1 Oswald Road, Manchester, M21 9LH
Flat 1, 1 Oswald Road, Manchester, M21 9LH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Wilbraham Road/Edge Lane Conservation Area 2005
Area Team Boundary - Name: SOUTH