

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129839/FO/2021

Date registered valid: 4 May 2021

Proposal: New meter housing to side of premises and provision of lightwells to basement windows on front and side elevations

Address: 8 Brunswick Road, Manchester, M20 4GA

Ward(s): Withington Ward

Applicant: Mr P Keaveney, 11 Clothorn Road, Didsbury, Manchester, M20 6BF

Agent (if any): Mr Simon Miles, S R Miles Ltd 28 Parrs Wood Avenue, Manchester, M20 5ND

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 August 2021



Application details

Type of application: Full Application Consent
Development type: Minor Other
Date of site visit: 28 June 2021
Standard consultations: Printed: 14 May 2021 Expired: 4 June 2021
Neighbour notifications Printed: 14 May 2021 Expired: 4 June 2021
Site notice No site notice has been produced
Press advert No press advert had been published
Departure from Development Plan: No
Environmental Statement: Not required
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application site is a 2-storey plus basement semi-detached Victorian dwelling house situated on the western side of Brunswick Road in the Withington ward.

The property has a small garden area at the front giving access to the raised ground floor level front entrance, with access along the south side to the lawned rear garden.

The property has been undergoing refurbishment including replacement windows and internal works that are unspecified in the application.

The site lies within Flood Risk Zone 2 and has previously been the subject of basement flooding.

Description of area

The site is within a residential area characterised by similarly scaled Victorian dwellings within mature tree-lined streets.

Withington District Centre is located approximately 205 metres to the west where a range of amenities are available.

Description of development

New meter housing to side of premises and provision of lightwells to basement windows on front and side elevations.

The application is the result of a complaint by neighbours to the Planning Compliance team following the commencement of works to the site in June 2020. The Planning Compliance case officer recommended that the application be submitted to regularise the works.

The application form notes that works commenced on the 8th of June 2020 and, apart from the lightwell railings, were in situ at the time of the case officer's site visit in June 2021 (see photos below).

The application was invalidated on receipt due to the lack of a Flood Risk Assessment and to confirm the use of the basement. The agent responded with the submitted Flood Risk Assessment and stated that the use of the basement was set out in the FRA.

Due to the date when the application was made and Covid-19 restrictions were in place, the agent also sent photos which show the stage of completion of works at the time the application was submitted on the 25th of March 2021. The site has been the subject of previous planning applications and planning compliance activity as set out below.

Planning History

In 2018, the site was the subject of an application for the *Erection of two-storey side extension, single-storey rear extension, installation of dormer to rear and elevational alterations to existing flats* (Ref: 121902/FO/2018). This was refused on the grounds of being overbearing and leading to an over-intensification of use.

A planning application was then submitted the following year for the *Erection of a single storey rear extension and rear dormer extension to provide additional living accommodation* (Ref: 122588/FO/2019). The Council refused this on the grounds that it would lead to an intensification of use and for the lack of parking provision. The applicant appealed the Council's decision and the development was allowed on appeal (Ref: APP/B4215/W/19/3232913).

Again in 2018, the site was the subject of a Planning Compliance investigation following a neighbour complaint that the property, owned by Manchester Rent A Home, had changed the use from 4no. flats to a house in multiple occupancy (Ref: ENF/14229/18). The case was closed on the basis that no evidence of any activity was found on the case officer's visit, with the officer noting that he was *"Unable to ascertain if any part of the building is currently habitable or occupied. Works have clearly been carried out downstairs but looks in a poor state of repair."*

The Planning Compliance register contains two other historic records; for a possible change of use of dwelling house to flats (Ref: ENF/1891/99/SOUTH1) and for works to store scaffolding and building materials in the basement (Ref: ENF/4500/03/SOUTH1).

Agent's photos (March 2021)



Front elevation with build-out for basement lightwell



Side elevation with basement lightwell

The Planning Compliance officer confirmed that a site visit was carried out in 2020 following additional concerns raised by neighbours in relation to the works for the current application. An enforcement record was not created as the advice was to regularise the work through the application which is now under consideration.

Consultations & Notification Responses

Neighbour notifications

1. I'm interested in understanding whether a lightwell needs to be a minimum size or requirement for ventilation but then a different requirement to allow human habitation.

The lightwells at 8 are huge. Offering lots of light and access into the basement. Can this be passed off as just for ventilation or that the basement is being readied for human habitation regardless of the fact they don't have permission to do so?

With regards 'usable rooms for a private apartment', if the ground floor flat has access to the basement to create a very large flat have the permission to put another bedroom into that flat or must it remain a one bed apartment?

Obviously doubling the occupants would be a breach of their planning permission?

There have been, if I've understood correctly, numerous assurances that the basement would not be used as a habitable space.

Won't this create a large ground floor and basement duplex apartment?

As for bedrooms and subsequent breaches of planning, if the property is let unfurnished then I doubt the developer will pass this information on.

Once found in breach (I presume it would require local residents to report it?) the developer could claim ignorance.

This all feels very unsatisfactory.

It would appear that the ground floor and basement may well be made into a large duplex apartment. I can't see this remaining as a one bedroom apartment even if 'officially' it needs to be. The Flood Risk Assessment report highlights the applicants intention.

2. The very fact that this work has already been done, quite early on in the refurbishment of No 8 Brunswick Road, and retrospective planning permission is only just been sought, only because of the local communities concerns being communicated to Planning Compliance, shows that this company, Rent-a-Home, feel they can act with total impunity.

From the very beginning of this process they have disregarded local legitimate concerns about the over development of this modest family home by leapfrogging local government planning, who rejected their plans twice, and getting approval from central government, 200 miles away.

When their original massive development was rejected it has been obvious that their intention has been to 'stretch' the plan they did get as much as they could get away with. Extra windows and internal walls started to appear which were not in the agreed plans.

The extensive excavation of the lightwells, along with the windows installed in the basement, set alarm bells ringing but when challenged we were told they were providing storage space for their tenants.

During recent heavy rain flooding occurred in the basement of this property which took a day to clear using a mechanical pump.

Is it known what measures have been taken to stop further flooding and will those measures impact on nearby properties by diverting flood water away from Number 8? It is a well-known fact that an ancient culvert runs under the area of the property, although this is not mentioned in the Flood Risk Assessment included in the application documents.

It seems the developer is planning to use the basement as living accommodation, possibly to create a large duplex apartment which could include extra bedrooms, if not now, in the future.

Our objection to this planning application centres around the inappropriate use of the basement as living accommodation.

This will increase activity at the property with all the attendant problems of noise, parking and environmental issues.

The fact that Rent-a-Home operate with scant regard for planning rules and the local community we understand are not grounds for objection, but we wish these concerns to be noted.

Councillor Chris Wills

Planning application 122588/FO/2019 for the above property was refused by the Council, following objections by both local Councillors and residents. However, it was allowed on appeal. This was on the basis that there was no intention to convert the basement into a flat.

https://pa.manchester.gov.uk/online-applications/files/D39730B0CC85945DEDB64F892696BE10/pdf/122588_FO_2019--1332515.pdf

The fact that this new application includes lightwells to basement windows raises concerns that the developer intends to go ahead with this conversion, even though they do not have express permission for this. Please could this be clarified as soon as possible.

Highway Services

The submitted documents show that there is constrained parking opportunities. It seems unlikely that a car will be able to get down the drive with the proposed lightwell and the railings. The plans do not show any vehicle tracking or parking bay dimensions. Therefore, I would suggest that further information should be requested such as vehicle tracking or a drawing showing parking dimensions to show that vehicles are able to park and manoeuvre.

Flood Risk Management

Condition 1: As the site is within a Flood Zone 2 and proposes works at basement level, no development hereby permitted shall be occupied until a Flood Evacuation Plan has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the residents are appropriately prepared if a high-level storm event occurs.

Policy

Policy DC1.1 of the UDP and policies SP1, DM1, T2 and EN14 of the Manchester Core Strategy seek to ensure that proposals have regards to the effect upon residential and visual amenity, parking, bin storage and flood risk, among other things.

Issues

Visual Amenity

The visual impacts of the proposal are acceptable. The lightwells are proportionate to the windows and follow their contours appropriately.

The black coated railings match the palette of the replaced windows which will give a neat and unified appearance to building and contrast well with the warm brick tone.

Historically, similar railings have provided security to basement rooms and so are not an incongruous feature in this house type.

The meter housing is a small brick lean to in matching brick with a slate mono-pitch roof and wall-mounted meters inside. These are secured by external timber doors that are stained a light oak.

There are no concerns with the visual impact of this element of the proposal which is relatively inconspicuous against the mass of the front elevation.

Parking

As the proposal includes a build out to follow the contours of the bay window to the side, the practicalities of parking and manoeuvring the 4no. cars as shown on the site layout plan, and moving bins to the front alongside any parked cars on collection day, was raised with the agent.

Highway Services were not consulted on the application originally, but a view was sought based on the apparent constraints at the side following any approval.

The Highways Engineer acknowledged that the constraints could create difficulties in manoeuvring in and out of the site but that on balance since the use is an existing and established one, they were happy for it to continue. They accepted that the adjacent highway network could facilitate the demands with no highway safety or capacity concerns.

The agent confirmed that the finished width of the driveway at its narrowest point between the lightwell and the left-hand boundary will be 2.7m, which exceeds the width of a standard car space and that there was no requirement as part of any consents granted at the site to provide parking. The site plan indicating 4 cars is indicative and not related to the application requested for the basement lightwells.

On assessment of the local parking situation, it is noted that Brunswick Road has no Traffic Regulation Order markings in the vicinity of the site and neighbouring dwellings each have a driveway at the front or side that can accommodate 1 or 2 cars. As such, parking additional vehicles on street is not likely to lead to such a demand that would significantly harm the amenities of neighbouring occupiers.

The site is also well served by public transport being close to the main Wilmslow Road where there are frequent bus services into the city centre, Stockport and airport.

Additional flat

As noted above, the application was not originally validated in part due to the lack of information regarding the future use of the basement. In response to the validation query, the agent referred the Council to rely on the description in the Flood Risk Assessment.

There are two references to the basement in this document; in paragraph 3.2 it mentions 'usable rooms' to a private apartment whilst in paragraph 6.0 it states that the rooms served by [basement] lightwells would be 'living rooms or kitchens but are not to be bedrooms.' As these statements are relatively vague and as several residents and a local Councillor all raised this issue as a point of concern, further clarification was asked of the agent during negotiations.

The agent responded by email (dated 7th July 2021) with a statement from the applicant which confirmed that *The number of flats at the property remains the same. There are no additional apartments being created, at basement level or elsewhere...The refurbishment of the basement area improves the habitable state of the existing apartment. It does not involve "the creation of a new flat in the basement."*

Public notification of the application raised this issue as the point of most concern to local residents and one ward member.

Further confirmation was provided by the Planning Compliance (PC) officer who investigated the 2018 complaint. The PC officer confirmed that conversations had taken place between the Council and the applicant since complaints were lodged by residents to the PC team, wherein the PC officer stressed the need to apply for planning permission for any use of the basement as a new flat. In correspondence between the PC officer and the applicant in response to complaints, the applicant stated in an email (dated 16th July 2020) that *"It is not our intention to create an additional flat in the basement. The basement formed part of the ground floor flat."*

This will continue to remain the case... and that the works were necessary because “The property has been subject to structural problems from regular flooding in the basement that has required significant remedial work to stabilise the building. The flooding problems are ongoing. United Utilities consider it to be a problem with a nearby culvert [...]. The constant flooding combined with a lack of ventilation and natural light, caused dry rot to the ground floor joists. The lightwell will provide natural light and ventilation to help alleviate the damp conditions and maintain the standard of the property for future occupants.”

The Planning Compliance officer also noted that, as in this application there are only 4no. meter boxes, ie: one per flat and that this concurs with the number of records on the Council Tax register.

On the basis of the above, there are no grounds on which to assert that the basement level is to be used as a new flat and, should any such use come to light, action to redress any unauthorised use will be taken in the interests of residential amenity.

Flood Risk

The site has historically been subject to flooding of the basement from a nearby culvert. The Flood Risk Assessment submitted with the application notes that mitigating measures in the form of specialist tanking and waterproofing have been introduced to protect the foundations which had been damaged to some extent from past flooding events.

The FRA notes that the most recent proposals include adding the proposed lightwells to the front and side of the property to benefit the basement which will enable essential ventilation of this space.

To further mitigate against future flood risk, the FRA states that the proposals for the lightwells include suitable channel drainage, upstands on both the upper and lower ledges, and include a pumped system to prevent any risk of water ingress.

The Flood Risk Management team have assessed the proposal and recommend that a flood evacuation plan is submitted prior to any use of the basement area, to enable a suitable plan of action to be in place in the event of any future flooding activity. A condition to this effect is appended at the end of this report, to ensure that the development complies with Core Strategy policy EN14.

Bin storage

The agent was asked to confirm the arrangements for bin storage in relation to any car parking on the remaining section of driveway at the side. He has confirmed that as a wheelie bin is 49cm wide, and should a car be parked between the lightwell and the left-hand boundary there will still be ample room to present bins to the front of the property for collection.

Conclusion

Based on the above, there are no planning grounds on which to warrant a refusal, amendments or conditions to mitigate any perceived harm.

The proposal is considered to accord with saved UDP policy DC1 and with Core Strategy policies SP1, DM1, T2 and EN14.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in this delegated report. The proposed development raised objections on notification, with many objectors concerned that the proposal sought to intensify the use through the creation of an additional basement flat. The agent confirmed that this was not the case. Concerns were also raised with regards to the reduced potential to accommodate resident's parking on the driveway to the side as a result of the build out of the lightwell around the bay window and how vehicles would manoeuvre in and out of the site. The agent confirmed that there was no intention to park vehicles within the curtilage of the site.

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 received on the 25th of March 2021 or as stated:

Application form

Location Plan 21 267 PL000

Proposed Drawing 21 267 PL100

Flood Risk Assessment prepared by Carley Daines and Partners Limited (Ref: 21-B-12974.100) dated April 2021, received on the 4th of May 2021

Photos and Photomontages

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

3) The materials to be used on external elevations shall be implemented in accordance with the details as set out on the approved drawing Ref: 21 267 PL100.

Reason - In the interests of visual amenity pursuant to policy DM1 of the adopted Manchester Core Strategy.

4) No development hereby approved shall be used until a Flood Evacuation Plan has been submitted to and approved in writing by the City Council Local Planning Authority.

Reason: In the interests of residential amenity as the site lies within Flood Risk Zone 2, to ensure appropriate preparation in a high-level storm event, pursuant to Core Strategy policy EN14.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

15 Burlington Road, Manchester, M20 4PY
13 Burlington Road, Manchester, M20 4PY
11 Burlington Road, Manchester, M20 4PY
19 Burlington Road, Manchester, M20 4PY
Flat 5, 8 Brunswick Road, Manchester, M20 4GA
21 Burlington Road, Manchester, M20 4QA
5 Brunswick Road, Manchester, M20 4GA
Flat 1, 8 Brunswick Road, Manchester, M20 4GA
Flat 7, 8 Brunswick Road, Manchester, M20 4GA
Flat 6, 8 Brunswick Road, Manchester, M20 4GA
9 Nuneham Avenue, Manchester, M20 4PZ
7 Nuneham Avenue, Manchester, M20 4PZ
17 Burlington Road, Manchester, M20 4PY
6 Brunswick Road, Manchester, M20 4GA

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH