

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129641/FO/2021

Date registered valid: 25 March 2021

Proposal: Conversion of property into two dwelling houses (Class C3) including three-storey side extension, two storey rear extension and associated landscaping and car parking

Address: 84 Demesne Road, Manchester, M16 8PJ

Ward(s): Whalley Range Ward

Applicant: Mr Majid Khan 84 Demesne Road, Manchester, M16 8PJ

Agent (if any): Hassan Sherazi Skribbld 96 Newport Road, Manchester, M21 9WN

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

Recommendation: Approve

Date of recommendation: 18.05.2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 29 March 2021 Expired: 19 April 2021

Neighbour notifications

Printed: 29 March 2021 Expired: 19 April 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

Description of site/building

This application relates to a large two storey double fronted detached property on the south side of Demesne Road. The property has an elevated ground floor and a substantial basement. There are two full height bays on the front elevation, between which is a substantial set of steps leading to the entrance. At the rear are two four storey, including basement an roof space outriggers. The property is offset to one side of the site. At the front there is a 10 metre deep garden and at the rear the garden is 4 metres deep. There is a 3.7 metre drive at the side of the property. The property has previously been used as a large HMO and was vacant prior to the building works that are currently on site commencing.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area. At this point Demesne Road is a Cul -de sac. Facing the site is Alexandra Park. Adjoining to the west is a three storey residential block. To the south is Montgomery House a four storey student block and to the east is open space linked to Montgomery House.

Description of development

This is a retrospective application that seeks to regularise works not carried out in accordance with the development approved under reference 115695/FO/2017 for Conversion of property

into two dwelling houses (Class C3) including three-storey side extension and associated landscaping and car parking.

Consent is sought to erect a three storey side extension reproducing the central section of the original building and the sub division of the resultant property into two houses. The proposed extension would project 3.1 metres and extend 11 metres along the side of the property. It would comprise, basement, ground and first floors. The extension would match the eaves height of the original building and have a hipped roof that ties in to the original roof. The fenestration at the front would match that surrounding the existing entrance and there would be a similar flight of steps. At the rear there would be a three storey extension situated between the existing outriggers. Each property would be provided with two parking spaces in a landscaped setting at the front and there is landscaped amenity space to the rear. The submitted plans show each property as having a designated area for storing bins in the rear garden.

Consultations & Notification Responses

Local residents

One letter has been received. The writer does not object to the proposal.

Environmental Health

No objections subject to conditions in respect of air quality and refuse storage. A watching brief is required regarding the potential for contamination.

Highways

- There are sections of no waiting at any time kerbside restrictions Demesne Road.
- Adopted highway extends to the back of footway along Demesne Road however there appears to be an area of unadopted highway at the eastern end and in front of 84 Demesne Road.
- The addition of 2 no. dwellings are not expected to impact local highway safety or operation.
- It appears that proposed access to car parking is proposed from Demesne Road. These should have electric (7KW) vehicle charging facilities.
- At the point of vehicle egress, it is recommended that boundary treatments are visually permeable from 600mm upwards.
- Any gates should open inwards and not impact the footway.
- Should the planning application be approved (and subject to clarity regarding the highway adoption status) the applicant may be required to enter into a Section 184 agreement for dropped kerb access to the proposed parking spaces

Cadent.

Have indicated that they may have equipment in the vicinity of the site. The information has been forwarded to the applicant.

Policies

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- creating well designed places,
- making a positive contribution to health, safety and well-being,
- considering the needs of all members of the community, and
- protecting and enhancing the built and natural environment.

Policy H1 - Housing - Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours.

Saved UDP Policies DC1.1 to DC1.6 set out the guidance on household extensions.

Policy DC1.1 sets out the criteria for assessing residential extensions including the general character of the property, impact on the amenity of neighbouring occupiers and the appearance in the street scene.

Policy DC1.2 states that extensions to residential properties will not be allowed if they are excessively large or bulky and result in structures which are not subservient to the original house, or which create undue loss of sunlight, daylight or privacy.

Policy DC1.3 states that the Council will not normally approve rearward extensions greater 3.65m in length, or two-storey extensions with a flat roof.

Policy DC1.6 states that in addition to domestic houses the above policies apply to flats, houses in multiple occupation, nursing homes rest homes and hotels.

Issues

Principle

The principle of the proposed development was established with the granting of planning permission reference 115695/FO/2017 in May 2017. Whilst the applicant commenced development on site none of the conditions attached to the permission were discharged, although none were pre commencement.

Differences to the approved scheme.

The proposed side extension was reduced in width due to a underground pipeline where the side wall was to be positioned. To compensate the extension was lengthened. In addition a three storey extension was added between the original outriggers. The scale of the proposed changes, and the additional extension necessitated a new application rather than a variation of condition.

Scale

The extension is a pastiche of the existing building and in terms of its scale it sits comfortably on the side elevation. The additional rear extension is sandwiched between the outriggers and is only visible from the rear. In terms of its scale it raises no issues.

Design

The applicant has opted for a pastiche of the original building and the net result is that the building looks like a matching pair of houses. The design is generally considered acceptable.

Sub-division

The conversion of this very large house, previously used as a HMO into two large family homes is considered acceptable and in accordance with policy H1. A condition is proposed which would prevent the properties being used as HMO's.

Parking

The provision of two parking spaces per dwelling is in excess of the Council's requirements, however, given the existence of on street parking restrictions two spaces are not considered excessive.

Refuse

The previous consent required the approval of the refuse storage prior to occupation. In order to address this the application has indicated on the drawings that storage will be in the rear gardens, however, no details are provided of the number of bins. A similar condition is therefore proposed.

Air Quality

An air quality condition was not attached to the original consent and the development is now substantially complete and such a condition would therefore largely irrelevant. However, there are measures that could improve the development during its life such as the provision of EV charging points and therefore an appropriate condition is proposed.

Residential amenity

The closest property to the proposed development is to the west, it is however shielded from the substantive building works by the body of the main building. It is therefore considered that the proposed development would not impact on the occupiers of the adjacent building. To the south Montgomery House is in excess of 17 metres from both extensions. There is not scope for the extensions to have an overbearing impact. In terms of privacy it is considered that the buildings are sufficiently far apart for this not to be a significant issue. To the east is open space however, there are new windows overlooking this area and it is considered prudent to require them to be obscure glazed..

On balance it is considered that there would be no significant impact on residential amenity.

Conclusion

It is considered that whilst the extensions as built differ significantly from what was originally approved they do not impact on the area to any greater extent and are 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:

P-PL-002 received 9 March 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 materials to be used on the external elevations and the roof of the extension hereby permitted shall be as stated on the planning application form and match those of the existing elevations and roof in type, size, colour and texture as appropriate.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The development hereby approved shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 interest of residential amenity, pursuant to Policy DM1 of the Core Strategy.

5) The development hereby approved shall not be occupied until full details of a hard and soft landscaping treatment scheme have been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in

replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

6) The development shall not be occupied until full details of the boundary treatment, including positions, design, materials and type of boundary treatment to be erected, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed before the development is occupied and shall thereafter be retained.

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 the Core Strategy.

7) 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 part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

8) Before first occupation the windows in the east elevation shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

9) Before the development hereby approved is first occupied electric vehicle charging points shall be provided and available for use for the parking spaces shown on the approved drawing.

Reason - To secure a reduction in air pollution from traffic in order to protect existing and future residents from air pollution pursuant to core Strategy policies EN16, SP1 and DM1

Informatives

0) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Forum

Room 4, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 30, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 25, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 126, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 113, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Flat 1, Montgomery House, Demesne Road, Manchester, M16 8PH
Third Floor Left, Montgomery House, Demesne Road, Manchester, M16 8PH
Ground Floor Right, Montgomery House, Demesne Road, Manchester, M16 8PH
Parkway 5, Parkway Business Centre, Princess Road, Manchester, M14 7HR
80 Demesne Road, Manchester, M16 8PJ
Room 233, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Beehive Lodge, Alexandra Park, Alexandra Road South, Manchester, M16 8PJ
Second Floor, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 235, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 230, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 237, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 236, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 229, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 234, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 232, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 303, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Bright Eyes Child Care Nursery, Demesne Road, Manchester, M16 8PJ
Ymca, Bright Eyes Child Care Nursery, Demesne Road, Manchester, M16 8PH
Montgomery House, Demesne Road, Manchester, M16 8PH
Room 220, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 2A, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 131, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 125, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 122, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 25, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 22, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 21, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 12, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 328, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 327, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 319, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 315, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 314, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 310, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 307, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 305, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 241, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 228, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 225, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 210, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 201, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 104, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 27, Main House Montgomery House, Demesne Road, Manchester, M16 8PH

[illegible]

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Room 105, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 104, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 10, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 339, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 335, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 326, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 313, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 303, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 226, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 217, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 213, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 209, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 109, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 101, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 32, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 28, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 26, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 20, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 18, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 6, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 5, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 120, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 119, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 112, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 338, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 336, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 332, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 308, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 211, The Annexe Montgomery House, Demesne Road, Manchester, M16 8PH
Room 208, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 207, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 218, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 220, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 203, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 107, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 106, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 29, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 12, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 9, Main House Montgomery House, Demesne Road, Manchester, M16 8PH
Room 7, Main House Montgomery House, Demesne Road, Manchester, M16 8PH

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) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH