

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129026/FO/2020

Date registered valid: 5 January 2021

Proposal: Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden

Address: 409 Wilbraham Road, Manchester, M21 0UT

Ward(s): Chorlton Park Ward

Applicant: Mr. Tayyab Akhlaq, 409 Wilbraham Road, Manchester, M21 0UT

Agent (if any): Mr. Niamat Ali, NA Design, 47 Egerton Road South, Chorlton Cum Hardy, Manchester, M21 0YW

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Refuse

Date of recommendation:

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 25th March 2021

Standard consultations:

Printed: 8 January 2021 Expired: 29 January 2021

Neighbour notifications

Printed: 8 January 2021 Expired: 29 January 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/area

The property is a two storey detached property in a predominantly residential part of Chorlton Park ward.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden

Consultations & Notification Responses

One letter of objection has been received from a neighbouring property on the grounds that:

1. The size of the proposed property

The proposed dwelling is at least twice the size of the current dwelling, is disproportionately over-sized and of a considerable height; all of which would result in a complete overshadowing and overbearing of our property which we would find unacceptable, claustrophobic/result in feeling 'hemmed in' and would negatively impact on our health and wellbeing.

Furthermore, due to its sheer scale, the proposed dwelling is considerably out of keeping with other houses and the general street scene for this particular stretch of the road. Not only is the proposed dwelling overwhelming in size and disproportionately aggrandised, but it is proposed

to be built in exceedingly close proximity to our property; extending almost to the boundary line which would result in an unacceptable overbearing of our property causing substantial negative impact. We have a bedroom facing the proposed property which has a window facing the proposed dwelling; if this proposal were to go ahead, the occupier of this room would be faced with looking out onto a substantially high brick wall very close to their window, which is not at all conducive to good health and wellbeing.

2. Substantial loss of privacy

We have a bedroom on the ground floor which would be overlooked by windows to the side elevation of the proposed dwelling from all three of its floors; resulting in a significant loss of privacy, particularly given the proposed substantial height of the property.

As there are balconies to the rear of the proposed property, our privacy whilst in the back garden will also be compromised; negatively impacting on our enjoyment of the garden and of our wellbeing. We love the openness and space that our garden has had for over 20 years; indeed this was one of the main reasons for our original purchasing of the property, and would be devastated by the impact that a proposal of this type would have in terms of loss of privacy and access to light. Our understanding is that we have a right to private amenity space and to be able to enjoy our garden without being overlooked and being put in constant shade.

3. Substantial light shading/significant reduction of light levels

We are most concerned about the considerable height and enormous size of the proposed building as our light levels will be dramatically reduced; this will be particularly so in the ground floor bedroom which would effectively be put in shade all day, however the significant shading will also affect the light levels experienced in our lounge, upstairs bedrooms and our garden; ruining a currently, sunny, south-facing house and garden.

In summary, we believe the proposal would result in a substantial increase in the scale and massing within the street scene of this part of Wilbraham Road, thereby causing harm to the character of the area. Furthermore, we believe that the proposed development raises significant concerns in respect of privacy, loss of light, overshadowing and is overbearing.

In addition to the above points, would you also please note the following:

- In the applicant's application form (section 10), there is an error in that it is stated that 'there are no trees on adjacent land'. This is not so as there is a large tree at the bottom of our garden adjacent to the proposed dwelling as well as there being other trees all sited along the boundary line between our property.
- In regard to the proposed garden store; the dimensions of the structure appear excessively large for the stated use. Again, we have concerns about this structure being disproportionately large and tall and the impact it would have in terms of our garden and loss of light, shading and privacy.

Highway Services

It is assumed that the existing vehicle access from Wilbraham Road will remain as existing with no amendments to the adopted highway required.

The submitted plans afford a limited detail regarding car parking. From observation, the front driveway provides in-curtilage parking for multiple vehicles. Highways would recommend that electric vehicle charging infrastructure is provided for the dwelling, minimum 7kw.

Should any new boundary treatments be proposed, these should ensure that sight lines

are maintained for vehicles accessing/egressing the site. Any gated accesses should be inwardly opening or sliding in nature to prevent obstruction on the Wilbraham Road footway.

Environmental Health

Recommend conditions relating to construction management, acoustic insulation, refuse and a contaminated land watching brief.

Issues

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: Refuse

Article 35 Declaration

Reasons for recommendation to refuse

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

407 Wilbraham Road, Manchester, M21 0UT
405 Wilbraham Road, Manchester, M21 0UT
413 Wilbraham Road, Manchester, M21 0UT
Whalley Range Afc, Kings Road, Manchester, M21 0XX
320 Wilbraham Road, Manchester, M21 0UX
318 Wilbraham Road, Manchester, M21 0UU
415 Wilbraham Road, Manchester, M21 0UT
322 Wilbraham Road, Manchester, M21 0UX
316 Wilbraham Road, Manchester, M21 0UU
314 Wilbraham Road, Manchester, M21 0UU
411 Wilbraham Road, Manchester, M21 0UT
403 Wilbraham Road, Manchester, M21 0UT

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH