

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128380/FO/2020

Date registered valid: 10 December 2020

Proposal: Erection of a two storey detached dwellinghouse together with associated landscaping and car parking

Address: Rear Garden Of 1 Mitford Road, Manchester, M14 6UL

Ward(s): Withington Ward

Applicant: Mr Mohammed Akram, 34 Daylesford Crescent, Cheadle, SK8 1LH

Agent (if any):

Case officer: Dave Morris
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Recommendation: REFUSE

Date of recommendation: 2 February 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 11 December 2020 Expired: 1 January 2021

Neighbour notifications

Printed: 11 December 2020 Expired: 1 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

This application relates to part of the rear garden of a two storey semi detached villa located at the corner of Mitford Road and Brook Road. The other half of the semi fronts Brook road and has an address on that road. The rear garden is actually at the side of the property and also fronts Mitford Road. The garden is approximately 26 metres long of which the bottom 15 metres form the site of the proposed development. There is currently a single storey garage building with a flat roof at the bottom of the garden.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: not applicable

Description of area

This is a predominantly residential area. Adjoining the site to the east is the rear garden of a residential property at 6 Brook Road and to the south is the side elevation of a modern four storey flat development with the fourth floor partially in the roof. Facing the site across Mitford Road is the side elevation and rear garden of 4C Brook Road and the side garden of 4 Mitford Road. Both are residential properties.

Description of development

The submitted drawings and the design and access statement were prepared in 2013 and formed the basis of a pre application enquiry at that time. The applicant was advised that in principle the development was acceptable. There are multiple drawings in the submission, and these differ in matters of detail.

Consent is sought to erection what is in effect an L shaped dormer bungalow on the site following the demolition of the garage. The long Upright of the L forms the frontage to Mitford

Road, the base, would be built on the boundary with the new flats at 5 Mitford Road and the end of the base would be on the boundary with the rear garden of 6 Brook Road. The proposed dwelling would have an eaves level of 2.4 metres and a ridge of 6.3 metres giving the property a very steep dual pitch roof. There would be two dormers fronting Mitford Road, one quite narrow and the other wider. There would be a dormer on the rear elevation in the crook of the L and a further smaller dormer on the rear roof slope. Finally, there would be a windowless dormer on the side elevation facing 5 Mitford Road. The ground floor front and rear elevations would be render with the gables in brick. There would be a slate roof. The dormers would be flat roofed with what appears to be a standing seam sheet finish.

The accommodation would comprise a large open plan living area of the ground floor with three bedrooms each with an en-suite at first floor level.

The building would be positioned on the building line formed by the front elevations of 1 and 5 Mitford Road. There would be a small front garden. At the side of the property would be a single parking space and a small area of private amenity space in the crook of the L. There is no indication on the drawings as to the location of refuse storage, however, the design and access statement shows it located at the rear of the property.

The existing brick wall and garage doors which form the boundary to Mitford Road would be replaced with a 750mm high wall topped with railings.

Consultations & Notification Responses

Ward Members

Councillor Chris Wills is sceptical that the intended use is for a family dwelling, especially given that each of the bedrooms would have an en suite. He shares concerns that the design of the house would not make it suitable for a family residence. He therefore supports residents and other ward members' objections.

Councillor Rebecca Moore supports the principle of a family home, however, the plans suggest the intention is not for family use, but another poor quality HMO and she therefore objects to the proposed development.

Local Residents

.. letters have been received. The issues raised are summarised below.

-Support of the principle of this development as it would further the efforts of residents and local councillors in developing a locally balanced socio-economic residential mix. The current population is in large part student HMOs and various social/sheltered housing.

-Residents are concerned that this proposal will not meet this aim, because of:

- The lack of child-friendly secure, secluded garden space.
- The minimal storage capacity in the upper floor bedroom areas, given the sloped roof, internal doors and dormer windows.
- There is no clear space for clothes drying.
- The lack of 'family bathroom' in favour of 3 en-suite shower rooms.
- The overall interior size being below the average for 3-bed properties in the area.

-Concern is expressed that this development, given that it is a resubmission of a 2013 application, does not now meet the spirit of the 2017 Manchester Residential Quality Guidance (MRQG) document, particularly in these areas:

- There is no conclusion or clear indication of the specific energy-efficiency measures being implemented. The sustainability assessment attached to the application makes assumptions and suggestions but is of little other value.
- The property does not provide *appropriate and sufficient storage*. In addition to the minimal interior storage, there is no provision for exterior storage, for example for bicycles.
- The application notes that it is improving the fabric of the area by removing an unsightly garage building. As I understand it, this building is already the responsibility of the applicant, so he would be welcome to remove this at any time
- Whilst the design does fit with the apparent vernacular for new 'coach-house' style buildings in the area, it is not fair to compare this building to 2a Amherst Road, which sits in a different orientation, has a different configuration, and was inserted onto a substantially wider garden plot.

-What family would wish to live in the rear garden of a property which already houses a student HMO. This particular HMO property has been in recent years the subject of a number of complaints concerning parties and anti-social behaviour;

-In these days of Covid-19 this development has no appropriate amenity space and very unlikely to be of interest to a family;

-It is a 'garden grab' and therefore yet another loss of green space in this area;

-Although this application is being mooted under the C3 Class, if no family takes this property it is extremely likely that the owner will put students into the property and may possibly take the trouble to apply for retrospective planning change of use. This is a backdoor HMO application. With an HMO already on this site, another immediately opposite, a large development of apartments the majority of which house students together with a local hotel currently accommodating residents, many of which are ex-offenders, alcohol and drug dependent, it is very unlikely a family would wish to live in such a property;

-I am intrigued that a three bedroom family house shows each bedroom having an en-suite bathroom. Isn't it usual for there to be an en-suite bathroom certainly attached to the master bedroom and there then being a family bathroom? This would indicate that the developer/owner is already hedging his/her bets and really aiming to use this property for student accommodation or supported living. This area already has a large concentration of properties set aside for supported living e.g. three hotels, which have been converted to accommodate ex-offenders, alcohol and drug dependent people, and at least eight properties offering organised supported living;

-No consideration appears to have been given concerning the dormer windows overlooking 6 Brook Road and the loss of privacy for the family already living there

-There is no refuse storage area. Mitford Road already suffers considerably from issues with refuse disposal;

South East Fallowfield Residents Group

The group object to the proposed development for the following reasons.

-In normal circumstances we would welcome the prospect of the addition of a new C3 family house to the neighbourhood

-The property has virtually no outdoor amenity space, the importance of suitable external recreation space is now recognised as fundamental to mental and physical wellbeing.

-If this is indeed to be regarded as a C3 family house how does this square with the lack of any significant garden?

-No 1 Mitford Road will lose a significant proportion of its existing amenity space.

-The proposed end-suite facilities, one for each of the three bedrooms suggests something other than a family house, more like single person accommodation for people in supported living or students even; neither of these uses is going to contribute to the sustainable neighbourhood envisaged by policy SP1.

- If it were to become another property to house supported people such as those being accommodated in local hotels, including the Ram, Fallowfield Lodge and the Lansdown, this would exacerbate the significant problems from the residents due to a further potential concentration of ex-offenders, alcohol and drug dependent people.
- The dormer windows on the East elevation will overlook 6 Brook Road leading to a loss of privacy for the resident family.
- An external refuse bin storage area does not appear on the plans, this is important in a locality where the refuse / recycling service requires four bins.
- There is very limited on-site parking.
- The development will result in noise disturbance.
- it will result in light pollution
- There will be more rubbish in the area.
- There will be a loss of privacy
- This is an overdevelopment of the site
- Students should live in purpose built accommodation.

Environmental Health

Require a contamination survey condition and the approval of a waste management scheme.

Flood Risk Management

The site area as defined by the applicant is occupied by Flood Zone 2. The proposed land use (Buildings used for dwelling houses) would be classed as 'more vulnerable' in the NPPF classification. According to the EA statutory main rivers dataset, the site is located within approximately 20m of an EA main river that transects the plot of 1 Mitford Road. A band of Flood Zone 3, north of the site but within the plot of 1 Mitford Road, is associated with this river. It is suggested that conditions relating to establishing the precise location of the culverted brook to avoid damage to it and to submit for approval a surface water drainage scheme.

Highways

- The addition of 1 no. 3 bedroom dwelling is not expected to generate trips that would impact local highway safety or operation.
- Based on the information provided, in principle MCC Highways have no objection to the application, subject to the following:
 - The vehicle hard standing should be 3.0m x 6.0m to ensure vehicles do not encroach onto the public footway.
 - The applicant discusses any requirements/changes/reinstatement to the dropped kerb with Environment On Call on 0161 234 5004. 3. To ensure vehicle / pedestrian intervisibility at the vehicular egress, any boundary treatment is visually permeable from 600mm upwards.
 - Secure, weatherproofed cycle storage is provided within the site.

United Utilities

Request conditions in respect of surface and foul water drainage and provide information for informatives regarding proposed works.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 H6 and H11

Policy SP1 sets down the spatial principles that guide development in the City. This includes the creation of neighbourhoods of choice.

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

Policy H6 highlights the shortage of family housing in the south of the City and places the emphasis on providing family housing rather than high density developments, which should be directed towards the district centres.

Policy H11 seeks to prevent the proliferation of HMO's in areas where there are high concentrations of such uses.

Article 4 Direction

Adopted on 8 October 2011 this removed the permitted change from Class C3 to Class C4.

Issues

Principle

As the site has a road frontage it does not meet the definition of backland and therefore the site could potentially be considered for residential development. The application is for a class C3 dwelling which would accord with Core Strategy policies H6 and H11.

Site Layout

The small size of the site, in particular its lack of depth necessitates that the building sits on the boundaries in order that it can respect the building line to Mitford Road. This leaves little room for private amenity space. Provision is made for a single parking space within the site at the side of the building which is in line with the principles contained in the Guide to development in Manchester. Refuse storage is also within the site. Whilst the site layout makes the best of this small site and follows basic design principles concerns are expressed about the need for the building to physically form two of the site boundaries is indicative that the site cannot satisfactorily accommodate the amount of development proposed.

Scale

The applicant claims that the proposed development seeks to recreate the coach houses found in the area. However, in order to accommodate a first floor in the shallow building it has a steeply pitched roof and as a consequence the building's ridge is level with the mid point of the second floor of the adjacent flats and close to eaves level on 1 Mitford Road. This excessive height is not considered to accord with the concept of a coach house development and it is therefore considered that the scale of the proposed building is excessive and will appear incongruous in the street scene.

Design

Good design takes its cue from the surrounding buildings even if a contemporary design solution is being pursued. In this instance the use of a steeply pitched roof of box dormers on the front elevation and the use of render are not features found in the immediate area. On balance it is considered the design of the building would appear incongruous in the street scene.

Use

The submitted documentation makes no reference to the proposed use class for the property. Concern has been expressed that the proposed dwelling as a result of the existing use of 1 Mitford Road as a HMO and the provision of en-suite facilities for all the bedrooms would result in the premises being used as a HMO. In view of the Council's concerns about the impact of high concentrations of HMO's on the sustainability of communities, if the scheme was acceptable then any consent would be conditioned limiting the use to class C3. As a consequence of the Council's Article 4 direction adopted in October 2011 planning permission would be required to change the use of the premises to a HMO.

Amenity Space

Whilst the amenity space at the front of the property is comparable with other properties in the area there is a lack of private space for use by the future occupiers of the property. On balance it is considered that the lack of private amenity space would detract from the quality of the development proposed for its future occupants.

Refuse storage

Space is shown at the rear of the property for the requisite number of bins.

Parking

The provision of a single in curtilage parking space is in in with the Council's current practice. Loss of rear garden. No provision is made for the secure storage of cycles although this could be addressed through a condition if consent were to be granted.

Residential Amenity

Gables on the proposed building site on two of the site boundaries and it is considered that these would have an overbearing impact on the adjoining properties, in particular the rear garden of 6 Brook Road which adjoining the site to the rear.

The lack of depth to the site means that any first floor windows at the rear of the proposed dwelling will overlook the rear garden of 6 Brook Road resulting in a loss of privacy and reducing the ability of the occupiers of that property from enjoying their rear garden. Whilst these windows could be obscure glazed as these are bedroom windows concern is expressed about the impact of obscure glazing on the future occupiers of the proposed building.

It is not considered that the additional comings and goings associated with the proposed development would have a significant impact on the amenity of surrounding residents.

On balance it is considered that the proposed development would adversely impact on residential amenity.

Conclusion

On balance it is considered that the design of the building is such that it would adversely impact both on the amenity of existing residents and character of the area. As such the proposed development conflicts with National Guidance and local policies and is considered to be unacceptable.

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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

- 1) The proposed development by reason of its design and proposed pallet of materials would form an over dominant and visually intrusive feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 2) The proposed development by reason of its position on the site boundaries would have an over bearing impact on the adjacent properties to the detriment of the amenity of the occupiers of those properties. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 3) The proposed first floor windows in the rear elevation would overlook the private amenity space at the rear of residential properties on Brook Road resulting in an unacceptable loss of privacy. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 4) The proposed development fails to provide adequate private amenity space for the use of the future residents of the proposed dwelling. The proposed dwelling is therefore contrary to the provisions of Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Flat 2, 4 Mitford Road, Manchester, M14 6UL
Flat 1, 4 Mitford Road, Manchester, M14 6UL
Flat 1, 1 Brook Road, Manchester, M14 6UJ
8 Brook Road, Manchester, M14 6UH
Flat 1, 5 Mitford Road, Manchester, M14 6NT
Flat 6, 1 Brook Road, Manchester, M14 6UJ
Flat 3, 1 Brook Road, Manchester, M14 6UJ
Flat 2, 1 Brook Road, Manchester, M14 6UJ
4A Mitford Road, Manchester, M14 6UL
Flat 3, 5 Mitford Road, Manchester, M14 6NT
Flat 5, 5 Mitford Road, Manchester, M14 6NT
Flat 7, 5 Mitford Road, Manchester, M14 6NT
Flat 8, 5 Mitford Road, Manchester, M14 6NT
Flat 9, 5 Mitford Road, Manchester, M14 6NT
Flat 6, 5 Mitford Road, Manchester, M14 6NT
Flat 4, 5 Mitford Road, Manchester, M14 6NT
Flat 2, 5 Mitford Road, Manchester, M14 6NT
Flat 11, 5 Mitford Road, Manchester, M14 6NT
Flat 12, 5 Mitford Road, Manchester, M14 6NT
Flat 10, 5 Mitford Road, Manchester, M14 6NT
Flat 7, 1 Brook Road, Manchester, M14 6UJ
6 Brook Road, Manchester, M14 6UH
4C Brook Road, Manchester, M14 6UH
Flat 9, 1 Brook Road, Manchester, M14 6UJ
Flat 8, 1 Brook Road, Manchester, M14 6UJ
Flat 5, 1 Brook Road, Manchester, M14 6UJ
Flat 4, 1 Brook Road, Manchester, M14 6UJ

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) -
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Wilmslow Road/Egerton Road)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH