

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129083/JO/2021

Date registered valid: 14 January 2021

Proposal: Variation of Condition 2 (specified plans) attached to planning permission 108263/FO/2015/S1 to enable elevational alterations, inclusion of front canopy, omission of rear terrace and cycle store

Address: 7 York Road, Manchester, M21 9HP

Ward(s): Chorlton Ward

Applicant: Mr Mohammad Ikram Akram Chaudhry 7 York Road, Manchester, M21 9HP

Agent (if any): Mr Shazad Akram 4 Brabham Close, Manchester, M21 9GP

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

Recommendation: Approve

Date of recommendation: 09.03.2021

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Standard consultations:

Printed: 18 January 2021 Expired: 8 February 2021

Neighbour notifications

Printed: 18 January 2021 Expired: 8 February 2021

Site notice

Posted: 22 January 2021 Expired: 12 February 2021

Press advert

Published: 26 January 2021 Expired: 16 February 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a three storey semi detached house, with the second floor housed in the roof void. The property has been extended at the side and rear and is currently sub divided into flats. There is a small front garden and a larger rear garden.

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane Conservation Area 2005

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area within the Conservation Area. There are residential properties to either side and facing across York Road. To the rear is a service yard to commercial properties on Wilbraham Road.

Description of development

This application has been generated following the refusal of the City Council to discharge the specified plans condition attached to planning permission reference 108263/FO/2015/S1. It was evident that the extension had not been built in accordance with the approved plans, particularly in respect of the front elevation.

As submitted the applicant sought approval of the scheme as built. The application has now been amended to incorporate the stone cills and lintels of the original scheme. Other changes relate to the first floor eaves level at the front of the extension, the design around the entrance and the size of the French doors in the rear of the extension.

Consultations & Notification Responses

Local residents

One letter has been received from a new resident to the area concerned about the timescale of the works and the size of the team that will be carrying out the works.

Policy

Core Strategy

The relevant Core Strategy policies are DM1 and EN3

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 policy is DC18 which requires new developments to preserve or enhance the City's conservation areas.

NPPF

Paragraphs 184 through 202 relate to Conserving and Enhancing The Historic Environment.

Paragraph 184 says these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 185 refers to the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.

Paragraph 192 says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viability.

Issues

Principle

The principle of the development is established through the granting of the original consent. This application seeks only approval of amendments to the details of the scheme.

Design

The alterations to the eaves, the different design and size of the French doors at the rear and the alterations to the canopy raise no design issues. The principle concern was the lack of the stone Cills and Lintels. By amending the scheme to incorporate these features the scheme is considered acceptable.

Impact on the character of the Conservation Area

It is considered that the omission of the stone cills and lintels from the development harmed the appearance of the proposed extension and consequently the Conservation area where such detailing is part of its character. The revised scheme would reinstate the stone cills and lintels and it is considered that as a consequence the proposed development would be acceptable in terms of its impact on the conservation area.

Residential amenity

There are no additional windows proposed and therefore the scheme will not alter the impact of the scheme originally approved on the amenity of residents.

Conditions

The gas membrane condition was discharged and as the works are completed it is not reproduced here.

The obscure glazing condition has been discharged and the condition to be attached should consent be granted requires the retention of the obscure glazing.

The refuse storage condition remains to be discharged and is therefore reproduced here.

Conclusion.

On balance it is considered that the insertion of the cills and lintels will address the Council's concerns regarding the appearance of the property. A three year consent is considered appropriate as this will give the applicant time to implement the consent, but it would not preclude the Council taking action in respect of the unauthorised works.

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:

03/15-01 rev P1 received 6 March 2015

02 rev P3 received 6 March 2015

03/15-04 revision D received 26 January 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 obscure glazing fitted in the windows in the side elevation shall be retained 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.

4) The details of the refuse storage scheme shown on drawing 03/15-02 rev P3 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 satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC5.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice

Flat 5, 7 York Road, Manchester, M21 9HP
Flat 4, 7 York Road, Manchester, M21 9HP
Flat 3, 7 York Road, Manchester, M21 9HP
Flat 2, 7 York Road, Manchester, M21 9HP
Flat 1, 7 York Road, Manchester, M21 9HP
7 Brabham Close, Manchester, M21 9GP
1 Brabham Close, Manchester, M21 9GP
5 Brabham Close, Manchester, M21 9GP
2 Brabham Close, Manchester, M21 9GP
6 Brabham Close, Manchester, M21 9GP
3 Brabham Close, Manchester, M21 9GP
Flat 3, 601 Wilbraham Road, Manchester, M21 9AN
Flat 2, 601 Wilbraham Road, Manchester, M21 9AN
Flat 1, 601 Wilbraham Road, Manchester, M21 9AN
Flat 4, 4 York Road, Manchester, M21 9HP
9 York Road, Manchester, M21 9HP
Flat 1, 4 York Road, Manchester, M21 9HP
605 Wilbraham Road, Manchester, M21 9AN
Flat 4, 5 York Road, Manchester, M21 9HP
4 Brabham Close, Manchester, M21 9GP
Flat 3, 4 York Road, Manchester, M21 9HP
Flat 2, 4 York Road, Manchester, M21 9HP
6 York Road, Manchester, M21 9HP
4 Brundretts Road, Manchester, M21 9DB
611 Wilbraham Road, Manchester, M21 9AN
609 Wilbraham Road, Manchester, M21 9AN
607 Wilbraham Road, Manchester, M21 9AN
603 Wilbraham Road, Manchester, M21 9AN
Flat 3, 5 York Road, Manchester, M21 9HP
Flat 2, 5 York Road, Manchester, M21 9HP
Flat 1, 5 York Road, Manchester, M21 9HP
605A Wilbraham Road, Manchester, M21 9AN

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