

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127300/FO/2020

Date registered valid: 7 July 2020

Proposal: Erection of a single storey rear extension and conversion of property to provide 5 no. self contained apartments with associated elevational alterations, car parking and landscaping

Address: 8 Birch Polygon, Manchester, M14 5HX

Ward(s): Rusholme Ward

Applicant: Mrs Victoria Griffin C/o Agent

Agent (if any): Mr Paul Watson Phillips Planning Services Limited Kingsbrook House, 7 Kingsway, Bedford, MK42 9BA

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

Recommendation: REFUSE

Date of recommendation: 25 August 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: None undertaken due to Covid 19 pandemic. The case officer has visited the site previously as part of consideration of a previous application.

Standard consultations:

Printed: 13 July 2020 Expired: 3 August 2020

Neighbour notifications

Printed: 13 July 2020 Expired: 3 August 2020

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 three storey semi-detached villa. The second floor is contained partially within the roof space and there is a basement. At the rear of the property is a two storey outrigger attached to which is a two storey extension. The front elevation contains a two storey bay windows and a large gable. At the side is the main entrance accessed through a porch, a bay window at ground floor level and a large gable at second floor level. At the rear the outrigger has a mono pitch roof and side centrally on the rear elevation set is from both the shared boundary and the gable wall. The extension continues the line of the mono pitch roof although at a slightly different gradient. The ground floor of the extension is approximately half the width of the outrigger whilst the first floor is the full width of the outrigger.

The property has a large front garden set behind a stone wall, whilst at the rear is a large garden. The rear garden has been stripped of vegetation save two trees at the rear, some new planting has taken place along the northern boundary. There is a drive at the side of the property with access from Birch Polygon.

The property is currently vacant and has been for some years. It was previously used as a house in multiple occupation until 2014 when it was occupied solely by the owner, until the property became vacant. An application for a certificate of Lawful use reference 126537/LE/2020 claiming that the property had been used as an 11 bed HMO, sui generis, was refused in May 2020 for the following reason:-

“Based on the evidence provided by the applicant and the relevant legislation the premises have not on the balance of probability been used as an 11 bed house in multiple occupation (sui generis) for ten years prior to the submission of this application.”

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is located within a predominantly residential area. Birch Polygon is a cul de sac on the south side of Dickenson Road. At its norther end are larger semi-detached properties whilst the southern end has been redeveloped with smaller two storey terraced properties.

The other half of the semi to the application site is in single family occupation. To the north of this, 2 and 4 Birch Polygon has been converted into flats from its previous use as offices, reference 101929/FO/2013/S1. The office use granted consent in 2019 included parking in the rear garden. To the south the adjacent property is currently vacant, a recent application to convert the property into 4 flats, reference 125065/FO/2019, was refused and the subsequent appeal dismissed. Further south 12 Birch Polygon which has been used as a House in Multiple Occupation since before 1986 according to planning records. In 2014, reference 106290/FO/2014/S1, planning permission was granted to extend the property to provide an additional four self-contained flats. The rear garden of this property is used for parking.

Facing the site across Birch Polygon are a pair of semi-detached houses neither of which has been the subject of applications for planning permission relating to their use.

To the rear of the application site are the rear gardens of residential properties on Birch Grove. These are smaller properties with smaller rear gardens.

Description of development

Consent is sought to extend and convert the property into five self-contained flats. The accommodation would comprise on the ground floor a one bed flat and a three bed flat. The first floor would contain a one bed flat and a two bed flat and the second floor a two bed flat. The basement would contain a cycle store and a shared storage area. The flats would utilise the existing side entrance. In terms of space standard the one bedroom flats are 39 square metres, the two bedroom flats 61 square metres and the three bed flat 74 square metres. To accommodate the flats it is proposed to erect a single storey rear extension on the existing extension to the outrigger and to infill the ground floor area below to the existing second floor extension. The extension would project 3 metres and be the full width of the outrigger and have a flat roof.

The front elevation would remain unchanged. In the side elevation three existing first floor windows would be enlarged and one infilled, and a new roof light added. There are no windows in either of the side elevations of the extension. On the rear elevation at ground floor level there would be a window and a door in the proposed extension and an existing window in the rear face of the main body of the building would be enlarged. At first floor level two existing windows in the outrigger would be enlarged. On the rear roof slope a chimney would be removed, and existing roof light enlarged and two new roof lights added. On the elevation facing the other half of the semi the only changes are the addition of the extension and the enlargement of an existing roof light within a gully on the roof.

The front garden would be given over to two parking spaces accessed from the existing drive and an area of soft landscaping. At the side the existing drive would be retained and a timber refuse store created adjacent to the extended outrigger. The rear garden area would

accommodate three further parking spaces again using the existing drive. A small private garden would be provided adjacent to the three bed flat and an area of communal amenity space for the remaining four flats provided beyond the parking spaces for the remaining four flats.

In support of the application the application states that the property has not been used as a single family dwelling for many years and that the three bedroom flat would provide family accommodation thus allaying any fears over the loss of a family dwelling.

This is a re-submission of a previously withdrawn application for the extension and conversion of the property into 9 one bed self-contained flats. Reference 124997/FO/2019.

Consultations & Notification Responses

Ward Members

Councillors Rabnawaz Akbar and Ahmed Ali have objected to the proposed development. They are concerned that the proposed development conflicts with Council policies in particular the loss of a family dwelling. Concern is also expressed that the development is not accessible and that the additional traffic generated will impact on the amenity of the area.

Local Residents

47 letters have been received objecting to the proposed development. The issues raised are summarised below.

- The proposal is an overdevelopment of the site.
- The development will result in a loss of privacy to adjoining properties.
- The developer has remove the vegetation for the rear garden destroying a natural habitat.
- The parking in the rear garden will adversely impact on residents due to noise and fumes.
- The development will result in the loss of a property suitable for use by a family
- There are already too many small flats and HMO's in the area.
- The increased traffic generated by the development will impact on the amenity of residents in the area.
- The property will be a HMO in disguise.
- The development will result in the loss of green area to parking.
- There is an unresolved waste strategy
- The development will impact on the sustainability of the community by encouraging transient residents in the area.
- There is a shortage of family houses in the area.
- Too many of the large houses have been converted to multiple occupation. Of the 8 large houses (including the application property) one is a HMO, three are in flats, one is a co-op, one is empty and one a single family dwelling.
- The recent refusal of planning permission to convert a property into flats was dismissed on appeal.
- Reference is made to an appeal that was dismissed at 6 Danes Road.
- It is not considered that the use of one of the flats as a family unit is realistic.
- Concern is expressed that the flats will be used by students.
- The proposed flats are very small.
- The outlook from some of the flats is very poor.
- The cumulative project of the existing and proposed extension is 5.2 metres which is excessive and will impact on the amenity of the adjoining property.
- Two parking spaces in the front garden is not good planning and will result in parking on the street.

- There is insufficient parking for five flats.
- It is accepted that the property has been used as a HMO by to return the property to a family house would help redress the over-supply of HMO's.
- Residents of flats and HMO's tend to be transient and not care about the community or the local environment.
- The number of bedrooms is the same as for the previous withdrawn application.
- One objector includes two letters from local estate agents indicating that there is demand for this size of accommodation for families in the area.

Rusholme, Moss Side and Fallowfield Civic Society

The society objects to the proposed development. Their concerns are summarised below.

- The development will result in the loss of the rear garden
- The shared drive/pedestrian access will be a health and safety risk.
- Noise and air pollution will impact on residents.
- The proposal represents an overdevelopment of the site.
- There is insufficient amenity space for the number of flats
- The development will result in the loss of a family dwelling. The property was sold at auction and families were unable to compete with developers.
- The property is in an area where there is a high concentration of HMO's and has not been licensed as such.
- The applicant provides no evidence how the development will seek to reduce CO2 footprint/emission. Whilst the developer might argue that rainwater harvesting and other active environmental features are not economically viable, the very nature of the development significantly reduces opportunities for passive energy efficient design. The layout provides most flat with single orientation, omitting opportunities for natural cross ventilation and simple passive design measures. This will result in overheating and poor air quality and a use of fans and chillers during summer period.
- The proposal does not take opportunity 'to provide linked and diverse green space to enhance natural habitats which will assist species adaptation'. The owners have already destroyed the existing green area which was connecting all back gardens in the neighbourhood. The proposed hard surface will increase the amount of run-off water and put more pressure on the drainage system.
- The development includes no green measures.
- The waste storage arrangements are inadequate
- The proposed development will impact on the surrounding area in terms of the scale of the proposed development. Effects on amenity, including privacy, light, noise, vibration, air quality, litter, birds, road safety and traffic generation. Adequacy of internal accommodation and external amenity space. Vehicular access and car parking. Effects relating to biodiversity, landscape. Green Infrastructure including open space, both public and private.
- The proposed extension will have an unacceptable impact on the amenity of the adjoining property.
- None of the accommodation is accessible.
- The proposed development is community destroying.

Environmental Health

The developer should keep a watching brief for ground contamination. The waste management proposals are acceptable.

Highways

The adopted highway extends to the back of the footway. There are no kerbside restrictions in

Birch Polygon. The site is considered suitably accessible by public transport via bus services operating along Dickenson Road. A reasonable level of on street car parking was observed, with some vehicles parked with 2 wheels on the footway.

The addition of 5 flats is not expected to generate any additional trips that would impact on highway safety or operation.

It appears that the existing access will be used to access and egress the site. However, the access seems to be narrow, the width of the available access should be confirmed. It should also be confirmed that a standard vehicle can adequately access and egress the site in a forward gear - this should be supported with a suitable swept path assessment.

It is recommended that boundary treatments are visually permeable from a distance of 600mm upwards to ensure that child pedestrians are visible when accessing / egressing a site. Should the planning application be approved, and if driveway access amendments are required the applicant will be required to enter into a Section 184 agreement.

It is proposed that 5 car parking spaces will be provided on site at the rear/front of the property. Although this allocation represents 100%, MCC Highways recommend that the 3 bedroom flat should have 2 spaces allocated.

Cycle parking is to be provided in the basement. To encourage sustainable travel, MCC Highways recommends that 100% (5 spaces) on site cycle parking provision is provided. This should be secure and weatherproofed.

The plans indicate that bins will be stored at the side of the property and it is expected that residents will bring bins to the roadside on collection days. This arrangement is considered appropriate.

As this is a constrained residential area, it is recommended that a Construction Management Plan is provided by the applicant prior to any construction works beginning.

Greater Manchester Police Design for Security

Recommend the flats are fitted with alarms and that the front entrance has a suitable lock.

Policy

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Core Strategy policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these

neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

Development in all parts of the City should make a positive contribution to neighbourhoods of choice including: creating well designed places that enhance or create character; making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income; protect and enhance the built and natural environment.

Policy H1 relates to overall housing provision across Manchester. This indicates that the emphasis in this area of the city (Central Manchester) the emphasis is on increasing the availability of family housing.

Policy H5 is the housing policy for Central Manchester where the application property is located. This clarifies that the priority is given to family housing and other high value, high quality development where this can be sustained.

Policy DM1, Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Unitary Development Plan

Policy DC5 relates to the conversion of properties into flats. It states that in determining planning applications to convert property to flats the following is had regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;

- e. adequate private outdoor amenity space;
- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
- c. involve conversion schemes without adequate private external amenity space;
- d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 In determining applications of this kind, the Council will give particularly careful consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

The National Planning Policy Framework (February 2019)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced and the way in which planning decisions should be made.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Other material considerations

Manchester Residential Quality Guidance

The MRQG was adopted as a material consideration in planning decisions by the Councils Executive Committee on 22nd December 2016 and sets out Manchester's space standards for residential properties:

For 1 bed 1 person flats as proposed in the current application the space standard is 39 square metres, 2 bedroom 3 person flats 61 square metres and three bedroom 4 person flats 74 square metres.

Guide to development in Manchester SPD (2007)

Paragraph 7.4 states - Parts of the City have seen the loss of family housing in favour of flats to such an extent that the character and sustainability of these areas is jeopardised. We believe that the balance of development in such areas should now revert to the provision of a range of family housing more traditionally characteristic of these parts of the City, which can offer choice to local people and assist the sustainability of these neighbourhoods.

Issues

Principle

Birch Polygon contains a range of types of properties, number 12 is in use as 11 bedsit flats, and no. 2-4 Birch Polygon was converted from offices to flats following consent granted in 2013.

Whilst this is the case there are a number of more modern smaller properties in use as dwelling houses and the property at number 6 is in use as a family dwelling house.

As set out within the policy section of this report whilst the principle of the conversion of properties to flats can be acceptable, however, the area that the application property is located is identified as an area for family housing. Therefore the loss of the application property from potentially a large single residential dwelling house to 5 no. self-contained flats is not considered acceptable in this instance. Other examples of such use in the street are historic or relate to the conversion of properties that were not in use as residential accommodation.

As set out in the Core Strategy the creation of neighbourhoods of choice that are sustainable is a key feature of policies driving the housing requirements and policies. In this instance it is considered necessary to ensure that a range of housing types are retained in this area and in particular to retain and develop further family housing of the type that the application property can positively contribute towards.

Existing use

The property is currently vacant and has been for a few years. Prior to that it was occupied by the owner although there was physical evidence of the earlier use of the property as a HMO. In an application for a Certificate of Lawful use the applicant demonstrated that the property had for a number of years been used as a HMO, although their evidence did not support the claim that it had been used as an 11 bed HMO. What was clear was that the premises had not been used as a HMO since 2014 and therefore failed to meet the requirement of the use having been

carried on for ten years up to the date of application. The application was refused and is now the subject of an appeal.

The applicant is of the opinion that as the property has previously been used as a HMO then the principle of converting it into flats is acceptable. However, it is considered that a HMO has more in common with a single family dwelling than flats as the accommodation shares facilities such as lounges, kitchens and bathrooms. Outwardly the property retains the appearance of a family dwelling.

On balance it is considered that the existing use of the premises would not serve as an impediment to its use as a family dwelling.

Family Dwelling

The Core strategy identifies family housing as being in short supply in the south of the City and directs high density residential developments to the district centres as part of mixed developments. This is a residential area and therefore as outlined earlier the principle of a flat development is not considered acceptable and on balance it is considered that a further conversion to flats would undermine the objective of creating a sustainable community.

Extension

There is no record of consent being granted for the existing two storey rear extension and it is therefore assumed that it was constructed before 1974 when Council records commence. In assessing the impact of the proposed extension it needs to be born in mind that the adjoining property has a single storey extension of the rear of its outrigger which projects to roughly the same line as the existing extension to the application site. Whilst the proposed extension would take the total projection to 5.2 metres which is more than the 3.65 metres considered acceptable by saved UDP policy DC1 it would be less than the 6 metres which is the upper limit for single storey extensions under the larger homes extensions provisions in the GPDO. Further the proposed extension is set in from the shared boundary which will further reduce its impact.

In terms of design the proposed extension is a simple box, and as such inoffensive.

On balance it is considered that the proposed extension accords with Council policy and is therefore acceptable.

Standard of accommodation

All of the proposed flats meet the minimum space standards set out in the Residential Design Guidance. The applicant has indicated that the provision of a three bed flat would compensate for the potential loss of a family dwelling. Claiming that the Core Strategy identifies three bedrooms as being the threshold for family accommodation. Concern is expressed that whilst a three bedroom flat may be sufficiently large to accommodate a family, as part of a development not aimed at families there is a potential conflict between the various residents, particularly as there are communal areas within the building. On balance it is considered that a single family unit within a development of this scale would not create satisfactory living accommodation.

Parking

The proposed development provides one space per dwelling which is in line with the Councils current practice for residential development.

The applicant has confirmed that the site is 11 metres wide which is adequate to accommodate a parking space with adequate room to manoeuvre and this has been confirmed by Highways.

However, in order to achieve the required parking substantial parts of the front and rear gardens are given over to parking and access. As a consequence it is considered that this impacts in a negative manner on the character of the area. Three properties, 2/4 and 12 have already lost substantial parts of their rear gardens to parking and it is considered that the cumulative impact of these areas detracts from the essential green character of the settings of buildings within the immediate area.

Cycles

The proposed development would provide a cycle store in the basement which is considered to be acceptable.

Refuse

The proposed development provides a refuse storage enclosure adjacent to the extended outrigger at the rear of the property. The provision is considered acceptable to Environmental Health although it has been raised as an area of concern by objectors to the development. The proposed enclosure is located at the rear of the property and would not therefore be intrusive and is considered to be acceptable.

Amenity space

The proposed development would provide two areas of amenity space. A private one adjacent to the rear of the property for the exclusive use of the three bed flat and a shared communal space at the bottom of the garden for use by the other four flats. On balance it is considered that the amenity space provided is adequate for the development proposed.

Residential Amenity

As already mentioned it is considered that the proposed extension would not have any significant impact on the adjacent property. The extension is away from the boundary and only projects 3 metres beyond the rear face of the adjacent property. It is therefore considered that it would not have an overbearing impact. In terms of privacy and overlooking openings are limited to the rear elevation overlooking the rear garden. Views of the adjoining gardens are either oblique or at a distance. On balance it is considered that the proposed extension would not result in any overlooking or loss of privacy.

The use of the premises as five self-contained flats would result in an increase in comings and goings and general activity over the use of the property as a single family dwelling. However, the premises have, historically at least, been used as a HMO although the precise scale of the HMO is unclear. Thus whilst concern is expressed about the potential impact of the additional comings and goings it is considered that this could not form the basis of a reason for refusing consent given the previous use.

The proposed car park will result in vehicle driving to the rear of the property with attendant engine revving, doors slamming as well as fumes. The proposal would result in the rear garden of number 6, which is still in single family occupation being sandwiched between two car parking areas. On balance it is considered that the proposed car parking would impact on the amenity of residents.

As part of the proposed development three windows at first floor level would be enlarged. Two of these windows are to a bedroom and face the gable wall of the adjacent property. The third window is the open plan living area of a different flat and looks across the rear elevation of the adjacent properties. Whilst the submitted drawings suggest that this window would serve the kitchen area the internal arrangements could be changed without infringing any planning permission. Concern is expressed that these windows could result in overlooking and a loss of privacy either real or perceived and given the uses of the rooms it would not be considered ideal to obscurely glaze the windows.

Blue Green Infrastructure

Concern has been expressed that that the rear garden has been stripped of vegetation and that this has in addition to the loss of the planting also destroyed a wildlife habitat. These works took place prior to the submission of the application, and as the works would not require planning permission are not a material consideration in the determination of this application.

The proposed development would result in a loss of garden area to parking, however this could be offset by the quality of the proposed landscaping. Also it should be remembered that as a single family dwelling these works could be carried out without planning permission.

Conclusion

On balance it is considered that the proposed conversion of the property into five would result in the loss of a property suitable for use by a single family. Further it would harm the character of the area as well as impacting upon the amenity of residents. The proposed development is therefore contrary to local policies and national guidance and should be refused consent.

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 creation of the 5 no. self-contained residential flats would result in the loss of a residential property suitable for use as larger family accommodation, thereby reducing the availability of family housing and undermining the formation of sustainable communities. The proposal would therefore be contrary to the provision of policies SP1, H1, H5, and DM1 of the Manchester Core Strategy (2012), the Guide to Development in Manchester Supplementary Planning Document (2007) and the National Planning Policy Framework (2019).

2) The cumulative impact of the creation of a further car parking area to the rear of properties on Birch Polygon would erode the landscape setting of the building which would unduly harm the character of the area in which the building is located to the detriment of visual amenity contrary to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC5.1.

3) The enlargement of the first floor side windows would result in the increased overlooking of the adjoining property with a consequential loss of privacy, both real and perceived. The proposed development would therefore have a detriment impact on the amenity of the occupiers of the adjacent property. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1.

4) The proposed car park in the rear garden would by reason of the noise, fumes and activity associated with the comings and goings of vehicles have a detrimental impact on the amenity of the occupiers of adjoining properties. The proposed development is therefore contrary to the provisions of Core Strategy Policies SP1 and DM1.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police
Highway Services
Rusholme, Fallowfield & Moss Side Civic Society

11 Birch Grove, Manchester, M14 5JX
130 Dickenson Road, Manchester, M14 5HT
6 Birch Polygon, Manchester, M14 5HX
3 Birch Polygon, Manchester, M14 5HX
Flat 13, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 12, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 11, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 10, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 9, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 8, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 7, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 12, 12 Birch Polygon, Manchester, M14 5HX
Flat 11, 12 Birch Polygon, Manchester, M14 5HX
Flat 10, 12 Birch Polygon, Manchester, M14 5HX
Flat 4, 2 - 4 Birch Polygon, Manchester, M14 5HX
132 Dickenson Road, Manchester, M14 5HT
Flat 6, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 8, 12 Birch Polygon, Manchester, M14 5HX
Flat 6, 12 Birch Polygon, Manchester, M14 5HX
Flat 3, 12 Birch Polygon, Manchester, M14 5HX
Flat 6, 132 Dickenson Road, Manchester, M14 5HT
Flat 4, 132 Dickenson Road, Manchester, M14 5HT
Flat 1, 132 Dickenson Road, Manchester, M14 5HT
Flat 2, 134 Dickenson Road, Manchester, M14 5HT
Flat 1, 2 - 4 Birch Polygon, Manchester, M14 5HX
1 Birch Polygon, Manchester, M14 5HX
5 Birch Grove, Manchester, M14 5JX
Flat 5, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 9, 12 Birch Polygon, Manchester, M14 5HX
Flat 7, 12 Birch Polygon, Manchester, M14 5HX
Flat 5, 12 Birch Polygon, Manchester, M14 5HX
Flat 4, 12 Birch Polygon, Manchester, M14 5HX
Flat 2, 12 Birch Polygon, Manchester, M14 5HX
Flat 1, 12 Birch Polygon, Manchester, M14 5HX
Flat 5, 132 Dickenson Road, Manchester, M14 5HT
Flat 3, 132 Dickenson Road, Manchester, M14 5HT
Flat 2, 132 Dickenson Road, Manchester, M14 5HT
Flat 4, 134 Dickenson Road, Manchester, M14 5HT
Flat 3, 134 Dickenson Road, Manchester, M14 5HT
Flat 1, 134 Dickenson Road, Manchester, M14 5HT
Flat 3, 2 - 4 Birch Polygon, Manchester, M14 5HX
Flat 2, 2 - 4 Birch Polygon, Manchester, M14 5HX
10 Birch Polygon, Manchester, M14 5HX
9 Birch Grove, Manchester, M14 5JX
7 Birch Grove, Manchester, M14 5JX
3 Birch Grove, Manchester, M14 5JX
136 Dickenson Road, Manchester, M14 5HT

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: SOUTH