Application Number	Date of Appln	Committee Date	Ward
089112/FH/2009/S2	26th Feb 2009	28th May 2009	Burnage Ward

Proposal Retention of single storey side and rear extension and erection of patio area with steps to rear garden following part demolition of existing unauthorised single storey extension.

Location 20 Homestead Crescent, Burnage, Manchester, M19 1QL,

Applicant Mr Farah Khan, 20 Homestead Crescent, Burnage, M19 1QL,

Agent Mr Frank Summerfield, Torplan Ltd, 216 Heaton Moor Road, Heaton Moor, Stockport, SK4 4DU

Description

The application site relates to a two storey detached dwelling, the area is predominantly residential in character and is adjoined with residential properties on three sides and a railway line at the rear. In the main the immediate and wider area consists of two storey semi-detached dwellings.

At present there is an unauthorised extension which due to a rear projection of 5 metres is considered unacceptable. The owners of 20 Homestead Crescent were informed that the Local Planning Authority would not support an application that seeks retrospective permission for the unauthorised extension. However they were advised that an extension with a reduced rear projection may be acceptable. In light of this an application for a single storey side and rear extension that projects 3.8 metres together with a raised decked area was submitted.

Consultations

Local residents were notified about the planning application, 8 letters of objections were received from 3 neighbours, the objections are summarised below:

The extension is causing flooding

Flooding has increased since the extension was erected

The rear garden is full of debris, the debris is being used to form the proposed patio/decked area, this will also contribute to flooding.

The extension will affect the culvert, which is located under the site.

The extension is overbearing.

The new door and decked patio create opportunity for overlooking

Work keeps taking place without permission.

The old garage site contained asbestos, this has not been properly disposed of.

Ward Members:

2 letter of objections from neighbours were forwarded by Cllr John Cameron, the issues raised in these letters were as above.

Environmental Health:

No comments

Building Control:

- There are various contraventions of the Building Regulations on site, a letter has been sent to the owners explaining what the contraventions are and a time limit to rectify the works
- With regard to the complaints about the flooding of the gardens, the extension is not the cause of the flooding provided that the rainwater collected by the roofs is properly discharge to the mains drainage system the addition of the extension has not in itself made the situation any worse.
- There is no evidence of a culvert passing under or close to the extension in progress.
- The remaining structure that has been left in place as a result of the change in size of extension is to be removed and the space to be returned to garden area.
- At the time of inspection there was no evidence of misuse or disposal of asbestos product.

Issues

Unitary Development Plan - There are no site-specific policies relating to the application site. However, the following citywide policies are relevant to this proposal:

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and it's impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC1 relates to residential extensions and requires that consideration be given to various factors with particular regard given to the general character of the property and the effect upon the amenity of neighbouring occupiers.

Regional Spatial Strategy - There are no specific policies that are relevant to this application.

Principle of the proposal - Policy DC1 states that the Council will have regard to the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs. The principle of creating additional living accommodation to the existing dwelling house is considered acceptable. Consideration needs to be given to residential and visual amenity.

Residential amenity/Visual Amenity - The principle issue is whether the proposal will result in an overbearing feature and whether there will be any

detrimental impact on the adjoining occupiers in visual terms or otherwise reduce their amenity. These issues are explored further:

Residential amenity – The extension is single storey and both adjoining properties benefit from boundary fences which are approximately 2 metres high, in addition to this the ground levels are staggered and are lower further into the garden. Although the decked area is raised, opportunity to overlook the neighbours garden area is limited due to the boundary fence. The proposed door on the side elevation of the extension will be obscured therefore does not provide an opportunity for overlooking.

Visual Amenity - The application proposes to remove 1.2 metres of the unauthorised extension it is considered that a single storey side and rear extension with a 3.8 metre projection will not be overbearing.

Flooding/Drainage

Concerns have been raised about the effects that the proposed extension may have on the existing flooding situation at Homestead Crescent. The main reason for the high levels of water in this area is that the ground in the area is heavy clay therefore the drainage is very poor resulting in excess surface water run off during heavy rain. The Surveyor dealing with the Building Regulations application has visited the site regularly over the last couple of weeks and is aware of the drainage issues raised and will ensure that the owners of No 20 Homestead Crescent rectify the works to comply with Building Regulations. With regard to the culvert, there was no evidence of a culvert passing under or close to the extension.

The proposal also includes a decked area in the rear garden, neighbours are concerned about the debris which is being used to form the patio, there is concern that this will contribute to flooding. The applicants have agreed to remove the debris and replace it with a permeable surface. In light of the above it is considered that the proposed scheme will not contribute to flooding.

The Environment Agency have issued a document called Flood Risk Standing advice for Local Authorities (PPS25) this sets out when Local Authorities should consult them. The application being considered at today's meeting does not fall in a high flood risk zone and there is no sign of a culvert under the extension, therefore in line with the standing advice the Environment Agency was not consulted.

Asbestos

Concerns have been raised about the presence of asbestos under the existing garage, there is no evidence of asbestos. Building Control is aware of the concerns and will ensure as part of their inspection process that the discovery of any asbestos will be correctly dealt with.

Retrospective Planning Permission.

Neighbours are distressed about the amount of work that has taken place without permission. Whilst it is clearly unsatisfactory for anyone to carry out development without obtaining planning permission when it is required, the

planning system does however allow for retrospective planning applications to be considered. In this case, an application for a single storey side and rear extension that projects 3.8 metres was submitted. Applications that are dealt with retrospectively are considered in the same way as other applications.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

On the basis that the proposal is in accord with the City Council's Unitary Development Plan, in particular policy H2.2 which seeks to protect the amenity of residents from the adverse impact of developments and policy DC1 which sets down the criteria to be considered in determining applications for residential extensions and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) Within three months from the date of this permission, any remaining elements of the walls and floor of the existing unauthorised single storey rear extension, not expressly approved by this permission (shown on drawing 03 and 04 stamped 13/05/2009) shall be demolished.

Reason: In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re--enacting that Order) (with or without modification), no windows or other openings shall be constructed in the south elevation of the extension herby approved.

Reason: In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) The flat roof of the extension hereby approved and shown on drawing 03 and 04 stamped 13/05/2009 shall not be used for any purpose other than as a means of escape in emergency or for the maintenance of the building.

Reason: In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) The patio area herby approved shall be constructed in accordance with the details and specifications shown on drawing 03 and 04 stamped 13/05/2009 unless otherwise agreed in writing by City Council as Local Planning Authority.

Reason: In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) The retaining walls of the patio area hereby approved shall be constructed in materials to match the external elevations of the rear extension approved as part of this permission, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason: In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 089112/FH/2009/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Network Rail
5 Homestead Crescent, Manchester, M19 1GJ
16 Homestead Crescent, Manchester, M19 1QL
22 Homestead Crescent, Manchester, M19 1QL
18 Homestead Crescent, Kingsway, Manchester, M19 1QL

Representations were received from the following third parties:

16 Homestead Crescent, Manchester, M19 1QL
18 Homestead Crescent, Kingsway, Manchester, M19 1QL
24 Homestead Crescent, M19 1QL.

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