| Application Number | Date of Appln | Committee Date | Ward |
|---|---|---|---|
| 089925/FH/2009/S1 | 11th May 2009 | 23rd Jul 2009 | Rusholme Ward |

**Proposal** Retention of single storey side and rear extension

**Location** 21 Birch Grove, Rusholme, Manchester, M14 5JX,

**Applicant** Mr Khalid Rehman , 21 Birch Grove, Rusholme, Manchester, M14 5JX,

**Agent** Mr Abdalla Ahmad, Aufman Construction Ltd, Adamson House, Towers Business Park, Wilmslow Road, Didsbury, Manchester, M20 2YY

## Description

The application relates to a two-storey, semi-detached property on the eastern side of Birch Grove and is situated a short distance to the north of Birchfields Park. With the exception of the park, Birch Grove is entirely residential in character.

Planning permission was granted on 31st October 2008 for the erection of a single storey side and rear extensions to form additional living accommodation (Ref: 087685/FH/2008/N2). However, following implementation of the planning permission, it has become evident that the planning permission has not being carried out in accordance with the approved plans. This application is therefore to regularise the development and seeks the retention of the development now substantially complete, but still consisting of single storey side and rear extensions to form additional living accommodation at the rear and a store building to the side.

Essentially, the changes with respect to the extensions originally approved and to those now being applied for, relate to the replacement of a flat roof with a pitched roof with respect to the side extension and the replacement of the rear extension roof from a dual pitch to that of a 'lean to' roof.

## Consultations

Local residents - 17 letters of objection have been received, two of which are from the same address, together with 5 letters of support. These representations are summarised below:

Objections

(i) The new extension looks odd and out of keeping with the character and architectural style of the area.

(ii) The garage has a door and window of the kind normally associated with a dwelling house rather than a garage.

(iii) The siting of the side extension is poor and is built right up to the boundary, encroaching onto the neighbouring property.

(iv) The wall of the side extension would block the light and views of the neighbouring property and result in a loss of privacy.

(v) The side extension bears no relationship with the original house, using cheap, poor quality material and is of a poor visual appearance.

(vi) The side extension provides no access to the rear of the property and there are concerns regarding refuse storage arrangements.

(vii) The garage side extension would be used as a habitable dwelling.

(viii) The pitched roof would result in a higher structure which would have a negative impact upon the neighbouring property.

Support

(i) The extension looks good and does not obstruct light or views from our property at 21 Birch Grove

(ii) The extension is of a better design than the previous application and results in a better roof.

(ii) The extension will not have any significant impact upon the view or light of the neighbouring properties.

Ward Members - Councillor Shannon considers that retrospective applications are deplorable and should be assessed differently from normal planning applications where permission is sought before construction works begins. The building has not been built properly and encroaches onto the neighbours land at No.19. The height of the new structure blocks light and views of those using the garden of 19 Birch Grove and the extension is an unwelcome trend not in keeping with surrounding buildings. A Committee site visit is requested.

**Issues**

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

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.

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

Regional Spatial Strategy - In terms of regional policy, it is not considered that any policy is of particular relevance in this case.

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPGs) and more recently on some planning issues, Planning Policy Statements (PPSs).

PPS1 'Delivering Sustainable Development' underpins the planning system and sets out the overarching policies on the delivery of sustainable development. Emphasis is placed on the need for good design to ensure attractive, usable, durable and adaptable places.

The Guide to Development in Manchester (SPD) - This document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design.

Principle – The principle of the proposed extensions is considered acceptable. The rear extension is typical of many residential properties and only projects 0.6 metres beyond permitted development limits. As a consequence of the rear extension, there is no significant impact upon the amenity of neighbouring occupiers**.**

The side extension which is single storey and set back from main house is clearly subservient to the main house. As such, its impact on the appearance of the street-scene is minimal. A balanced view needs to be taken as to the material impact the proposed development insitu has, as opposed to the scheme that already has planning permission. In this instance, the changes sought are believed to represent an improvement. If the present proposal were to be refused, there would be nothing to prevent the previously approved scheme from being implemented.

Scale – The rear extension is single storey and has a rearward projection of 3.6. The side extension is again single storey and has a height of 2.5 metres up to the eaves with a total rearward projection of 5.6 metres. Such extensions are, consummate to other extensions typical of residential area like this and is highly unlikely to have any significant impact upon either the character of the area, or upon the amenity of neighbouring occupiers.

Design – The replacement of the flat roof on the side extension with that of a dual pitch roof, together with the revised roof design of the rear extension is believed to constitute an improvement.

Visual Amenity – All objections have focused on the side extension element of the proposed development, as this is the part that can be seen from the road. There are no concerns regarding the visual impact of the rear extension.

Due to the side extension being single storey in nature and set back 7.5 metres from the front of the main house and even further from the roadside, its impact on the visual appearance of the street-scene is considered minimal. Whilst it is acknowledged that the materials, particularly the door could be of a better quality or design, there would be nothing to prevent the door being replaced at a later date under permitted development rights. As such, a balanced view again needs to be took with regard to what is being proposed now and what could be allowed anyway under permitted development legislation.

Residential Amenity –Concerns have been expressed regarding a loss of light, loss of views and loss of privacy to the neighbouring occupier, particularly as a result of the side extension.

It is considered that the proposed extensions are unlikely to have any significant impact upon the amenity of adjoining residents, particularly as the side extension in only marginally beyond permitted development limits. There are no windows on the side elevation and the side extension is only 2.5 metres in height up to eaves and 3 metres to the roof ridge. The roof slopes away from the wall, beyond which is the main house. As such, there would be no more loss of light or loss of privacy than is currently the case. Moreover, there would be very little impact on the neighbour's view, and in any event, planning legislation places no weight on the right to a view.

Encroachment – Concerns have been expressed that the proposed development encroaches onto the common boundary. It should be noted however that the applicant has followed the correct planning procedure and any dispute regarding encroachment is a civil legal matter rather than a matter for the Planning Service.

Refuse Storage - It is proposed to store the refuse bins in a semi-enclosed storage area immediately adjoining the rear elevation of the side extension.

The bins are capable of being stored either in the rear garden or within the storage area contained within the side extension. The side extension has two doors whereby access can be gained from the front of the property through to the rear garden without going through the main house.

**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**

Approve on the basis that the proposal accords with Policies DC1 and H2.2 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise.

**Conditions and/or Reasons**

1) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: M/0141/08, stamped as received on 27th April 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

**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: 089925/FH/2009/S1 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:**

38 Birch Grove, Manchester, M14 5JU
36 Birch Grove, Manchester, M14 5JU
34 Birch Grove, Manchester, M14 5JU
32 Birch Grove, Manchester, M14 5JU
28 Birch Grove, Manchester, M14 5JU
23 Birch Grove, Manchester, M14 5JX
30 Birch Grove, Manchester, M14 5JU
13 Birch Grove, Manchester, M14 5JX
15 Birch Grove, Manchester, M14 5JX
17 Birch Grove, Manchester, M14 5JX
19 Birch Grove, Manchester, M14 5JX
20 Birch Polygon, Manchester, M14 5HX
22 Birch Polygon, Manchester, M14 5HX
26 Birch Polygon, Manchester, M14 5HX
24 Birch Polygon, Manchester, M14 5HX
34 Birch Polygon, Manchester, M14 5HX
32 Birch Polygon, Manchester, M14 5HX
28 Birch Polygon, Manchester, M14 5HX
30 Birch Polygon, Manchester, M14 5HX
20 Birch Grove, Manchester, M14 5JY
22 Birch Grove, Manchester, M14 5JY
24 Birch Grove, Manchester, M14 5JY
24a, Birch Grove, Manchester, M14 5JY
26 Birch Grove, Manchester, M14 5JU
21 Birch Grove, Manchester, M14 5JX
10 Birch Grove, Manchester, M14 5JY
12 Birch Grove, Manchester, M14 5JY
14 Birch Grove, Manchester, M14 5JY

16 Birch Grove, Manchester, M14 5JY
18 Birch Grove, Manchester, M14 5JY
5 Birch Grove, Manchester, M14 5JX
7 Birch Grove, Manchester, M14 5JX
9 Birch Grove, Manchester, M14 5JX
11 Birch Grove, Manchester, M14 5JX

**Representations were received from the following third parties:**

House Of Commons, London, SW1A 0AA
26 Denison Road, Manchester, M14 5SQ
14 Birch Grove, Manchester, M14 5JY
12 Birch Grove, Manchester, M14 5JY
23 Birch Grove, Manchester, M14 5JX
23 Birch Grove, Manchester, M14 5JX
4 Kent Road West, Manchester, M14 5RF
4 Birch Grove, Rusholme, Manchester, M15 5JY
36 Birch Grove, Manchester, M14 5JU
2 Birch Grove, Manchester, M14 5JY
23 Denison Road, Manchester, M14 5PB
15 Birch Grove, Manchester, M14 5JX
19 Birch Grove, Manchester, M14 5JX
28 Birch Polygon, Manchester, M14 5HX
24 Birch Grove, Manchester, M14 5JY
24a, Birch Grove, Manchester, M14 5JY
21 Birch Grove, Manchester, M14 5JX
5 Birch Grove, Manchester, M14 5JX
7 Birch Grove, Manchester, M14 5JX
9 Birch Grove, Manchester, M14 5JX
11 Birch Grove, Manchester, M14 5JX
3 Birch Grove, Rusholme, Manchester, M14 5JX

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**Email** : s.mccoombe@manchester.gov.uk