Application Number	Date of Appln	Committee Date	Ward
086597/FH/2008/N1	13th Jun 2008	24th Jul 2008	Charlestown Ward

Proposal Retrospective application for amendments to previously approved application 083107 to involve the increase in height of the single storey rear extension at roof level and elevational alterations to rear

Location 1 Leander Close, Charlestown, Manchester, M9 7EF

Applicant Denise Chadwick, 1 Leander Close, Charlestown, Manchester, M9 7EF

Agent W Marrison Construction Ltd 50 Mainway, Manchester, M24 1PB

Description

This application relates to a semi-detached house in a cul-de-sac in a residential part of Blackley. It overlooks Bailey's wood at the rear.

In June 2007 planning permission was granted at the site for "Erection of part two, part single storey rear extension to form additional living accommodation following demolition of existing conservatory" (Ref 083107/FH/2007/N1). This proposal involved demolition of existing conservatory and replacing it with a morning room and diningroom both at ground floor level projecting 3.65 m to the rear.

It was also proposed to build a bedroom above on the outer side i.e. away from the party wall with adjoining house.

The work approved under application 083107 has now largely been completed. This application relates to amendments that have been made to the proposal while the work is taking place. The overall height of the roof of the single storey extension has been increased from 3.6 to 3.8 metres above ground level. The roof construction has also been changed from a conservatory type structure to a traditional lean-to roof. A 600mm dwarf wall with window frame construction above (which was to be utilised on the eastern elevation facing 3 Leander Close) and an 800mm stretch along the eastern end of the rear elevation has been changed to a solid brick and block wall to accommodate the new pitched roof.

This application is placed before Committee as the applicant is an employee of the City Council.

Consultations

Local residents - No objections received.

Head of Regulatory and Enforcement Services - have requested that a condition is attached to any planning permission granted to ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. The section are proposing a bespoke condition which also requires monitoring of the recently completeted rear extension, which appears to have been built without discharging a condition relating to the installation of measures to prevent the ingress of landfill gas

Issues

Regional Planning Guidance - Policy DP3 states that "New development must demonstrate good design quality and respect for it's setting.

Unitary Development Plan policy DC1.1states that "In determining planning applications for extensions to residential properties, the Council will have regard to:

b. the effect upon the amenity of neighbouring properties;

DC1.2 states that "Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

b. they do not create undue loss of sunlight, daylight or privacy;
c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details.

The Policy H2.2 seeks to protect the residential amenity of the area and will not allow development, which will have an unacceptable impact on the area. Aspects of the development taken into account for such decisions are the scale, massing and appearance of the building.

Principle of Development - It is considered that the material considerations that are relevant to this application are visual amenity and residential amenity.

Visual amenity - The amendments are appropriate to a residential extension in this location. The proposals are considered to be acceptable in terms of visual amenity and accord with policy DC1.

Residential amenity - The increase in the height of the roof is only small and will not have a significant impact on the residential amenities of the residents of the neighbouring property.

Landfill Gas - This property lies within 58 metres of a landfill site. The previous application ref: 083107/FH/2007/N1 was granted approval subject to a condition requiring measures to be incorporated to prevent the ingress of landfill gas into the proposed extension.

It is not clear whether such measures have been incorporated, and there are no records of the condition being formally discharged prior to commencememt of the building works. It is therefore proposed that a condition is attached to any approval which requires internal gas monitoring to be carried out in the recently completed part single, part two-storey rear extensions.

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

The proposal will not be detrimental to the visual or residential amenity of the area, and is therefore in accordance with Policies H2.2, and DC1 of the Unitary Development Plan for the City of Manchester. The proposal is recommended for approval, as there are no material considerations of sufficient weight to indicate otherwise. In this instance there are no relevant policies in Regional Planning Guidance Note 13.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: The drawings numbered 2007.004 L(20) EX01, 2007.004 L(20) SO2, 2007.004 L(20) SO1 Revision A, 2007.004 L(20) PO1 Revison A and 2007.004 S(20) 01 Revision B stamped as received by the Local Planning Authority on 22nd February 2008.

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

3) Internal gas monitoring shall be carried out in the recently completed single storey extension, and the two storey extension constructed under previously approved application 083107, in order to ensure that landfill gas is not accumulating within the building. The gas monitoring results and an appropriate risk assessment shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, 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: 086597/FH/2008/N1 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:

Contaminated Land Section
10 Leroy Drive, Manchester, M9 7EW
6 Leroy Drive, Manchester, M9 7EW
8 Leroy Drive, Manchester, M9 7EW
3 Leander Close, Manchester, M9 7EF
5 Leander Close, Manchester, M9 7EF
7 Leander Close, Manchester, M9 7EF

Representations were received from the following third parties:

Relevant Contact Officer : Gerry Reilly
Telephone number : 0161 234 4163
Email : g.reilly@manchester.gov.uk