

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140659/FO/2024
Date registered valid: 26 September 2024
Proposal: Conversion of basement to form 1no. dwelling with associated elevational alterations (Class C3).
Address: 8 Victoria Road, Levenshulme, Manchester, M19 2EA
Ward(s): Levenshulme Ward

Applicant: Mrs. Farzana Yaseen
Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 20 November 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 14 November 2024

Standard consultations:

Printed: 1 October 2024 Expired: 22 October 2024

Neighbour notifications

Printed: 1 October 2024 Expired: 22 October 2024

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application property is centrally positioned in a three unit terrace situated on the eastern side of Victoria Road between its junction of Slade Lane and Windsor Road. The application property comprises of a basement with three floors of accommodation above. It has a pitched slate roof with a painted brick principal elevation and a ground floor flat and lean-to porch extension. A metal balcony projects from and second floor bedroom window. Access to the basement is via an existing external staircase within the front garden. A low wall and gates separate the garden from Victoria Road. The rear elevation also comprises of three storeys but is also adjoined by a two storey outrigger that projects into the rear garden and spans the boundary with the neighbouring No 10. The rear eastern boundary is open allowing access via the adjacent alleyway.



Fig.1 – Views of the front and rear of 8 Victoria Road

Description of development

- i. The proposed apartment would comprise a living room / kitchen, one bedroom with adjoining bathroom, cycle store and storeroom with an internal .
- ii. The existing front steps to the basement would be retained to provide access / egress to the apartment. The proposed entrance would be incorporated into a recessed elevation over-sailed by the bay above. It would incorporate a centrally positioned glazed door and adjoining windows.
- iii. The rear garden would be partially excavated to allow the formation of a new external staircase that would provide access / egress to the proposed apartment.
- iv. The rear garden would be sub-divided to provide amenity space for the retained house and proposed apartment. Bin storage would be incorporated into the garden to the house. The garden to the apartment also includes bin storage and an additional cycle store.
- v. Indicative fencing and gating details to the easter boundary have been provided.



Fig.2 – Existing and proposed front and rear extensions

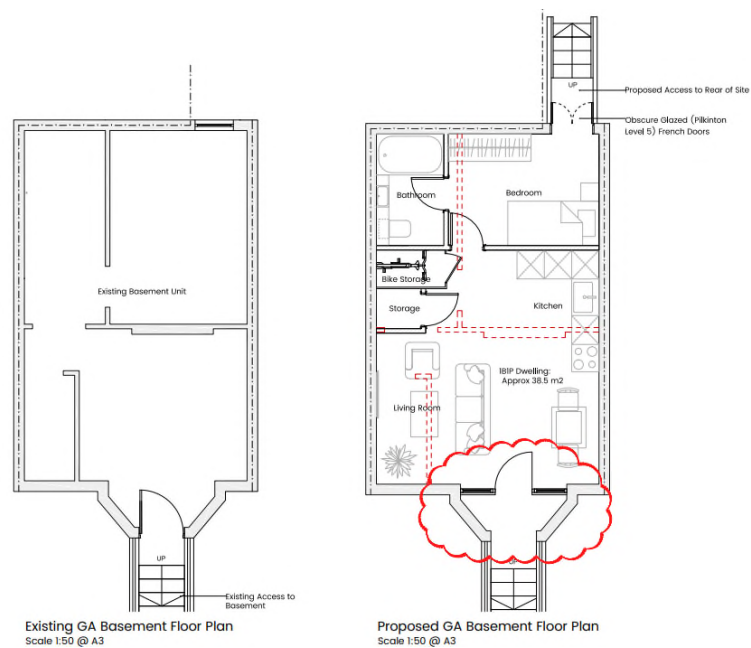


Fig. 3 – Existing and proposed basement layout

Site history

i. 024426: Approved - 31.07.1985

Conversion of dwellinghouse into 3 self-contained flats and use of part of ground floor as an office

ii. 137216/FH/2023: Withdrawn - 06.12.2023

Conversion of basement to form additional living accommodation with associated elevational alterations

Consultations & Notification Responses

Local residents – One email has been received. Whilst not objecting to the development the representation encourages access to private amenity space for future residents. This would be important as the proposed apartment would have limited natural light.

Environmental Health – No objection but recommend a condition to a waste and recycling management scheme.

Highway Services – The following comments have been received:

- i. It is not anticipated that the proposal would generate a significant increase in the level of vehicular trips or adversely affect the capacity of the highway network.
- ii. There is no on-site car parking associated with the application property and the development would thereby potentially increase demand for on-street car parking.
- iii. It is recommended that the proposed cycle storage be implemented as part of the development, i.e., one cycle storage space within the proposed apartment.
- iv. Indicative fencing and gating details are acceptable.
- v. All gates should be inward opening to avoid obstruction of gates to ensure they do not impact on the adopted footway or highway.
- vi. The proposed waste storage and collection arrangement would be appropriate. Clarification is sought regarding rights of access over the adjacent alleyway to facilitate the transit of bins for collection.
- vii. Any basement excavations adjacent the highway will need to be agreed with the Council Bridges/Structures Section.
- viii. Clarification is sought regarding any works affecting the highway.
- ix. Any requirements for licensing, hoarding / scaffolding should be agreed by the Council as local highways authority.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would increase the intensity of the occupation of the property leading to increased noise, activity and disturbance, which would be harmful to the amenity and well-being of future residents, including occupants of neighbouring properties. There is concern regarding the quality of internal space that would be formed particularly regarding the adequacy of natural light. The

arrangement of the principal entrance to the proposed apartment would lack natural surveillance and may be vulnerable to crime. Section 8 would not, therefore, be accorded with.

Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- i. The potential impact of development on transport networks can be addressed;
- ii. Provide opportunities for walking, cycling and public transport use.

The magnitude of the development and the provision of cycle storage is acknowledged. However, in a location with existing levels of significant on-street car parking, the potential to increase traffic generation and resulting demand for on-street car parking would be a significant concern. It is therefore considered that the development would be appropriately related to Section 9.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being;
- iii. Noise.

It is considered that the development would be appropriately related to the above objectives for the reasons set out in the report.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024, and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance. The following policies are relevant:

Policy JP-P6 – Health – States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development. It is considered that the development would result in an overly intensive use of the property resulting in levels of activity, noise and disturbance that would be harmful to the character and amenities of the area. Policy JP-P6 would not thereby be accorded with.

Policy JP-S1 – Sustainable development – States that, to address climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. The development would not achieve a quality of the accommodation that would encourage sustained future occupation. Policy JP-S1 would not, therefore, be accorded with.

Policy JP-S4 – Flood risk and the water environment – States that in locating and designing development to minimise the impacts of current and future flood risk. The site is in Flood Zone 1 and it is not considered that the development would increase additional drainage impacts or flood risks.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The intensity of occupation associated with the proposed development result in levels of activity and disturbance that would be harmful to residential amenity and well-being and thereby contrary to policy SP1.

Policy EN8 Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case, the development would result in a marginal increase in floorspace with a commensurate environmental impact. This would be offset by the implementation of contemporary construction techniques, including window and door design.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

It is considered that waste and recycling management is capable of being addressed through the construction and operational phases of the development to secure compliance with policy EN19.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case, the development would be supported with cycle storage. However, the area has a significant level of on-street car parking and the site has not dedicated off-street car parking provision. The

development may generate additional demand for car parking, would add to localised congestion and thereby be harmful to residential amenity. Policy T1 would not, therefore, be appropriately responded to.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues, which are relevant to the consideration of the development:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development with due regard to the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- o Accessibility - In relation to inclusive access and sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

As discussed below, the development would not be appropriately related to its context due to the potential intensity of occupation, related activity and quality of the proposed internal living accommodation and external amenity space. Policy DM1 would not, therefore, be accorded with.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy DC5 (Flat conversions)

Policy DC5.1 – States that in determining planning applications to convert property to flats, the Council will have 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 and the circumstances regarding existing circumstances relating to on-street parking and additional pressures that may be created;
- d. General effects on the character of the neighbourhood;
- e. Adequate private outdoor amenity space;
- f. Delivery of inclusive access;
- g. The satisfactory provision of refuse storage and collection facilities.

Policy DC5.3 - States that the Council will normally refuse permission for any development which:

- a. Does not meet the Council's current approved standards;
- b. Relates to 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.

The quality of the proposed internal space would not be beneficial to the amenity of future residents. Nor would it encourage the sustained occupation of the development. The quality of the amenity space serving the retained house would be diminished. The development would thereby fail to accord with the related aspects of policy DC5.1. The configuration of the development would not facilitate inclusive access, The development would potentially generate

additional demand for on-street car parking in location with significant vehicular congestion. The development would thereby fail to comply with policy DC5.3.

Policy DC26 (Development and noise)

Policy DC26.1 - Has been related to the proposals added contribution to the local noise environment, in relation to the activity and disturbance generated by the operation of two separate households. It is considered that the potential levels of activity would exceed the characteristics of the operation of the existing house and would thereby be contrary to policy DC26.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, discussions between officers and the applicant's agent to ensure the submission of sufficient information to allow its detailed assessment. Following this assessment, the agent was advised that the development would not be supported due to its potential harm to residential amenity. No further discussion was undertaken.

Principle of the development - Given the scale and configuration of the existing house, its conversion into two separate dwellings would not be appropriate. The formation of two dwellings in a relatively tightly constrained space would substantially increase the intensity of occupation and levels of noise and activity. It is also noted that the locality has significant on-street car parking. In the absence of on-site car parking the development has the potential to exacerbate these existing circumstances (by generating additional demand for car parking). The development is therefore not supported.

Residential amenity - The bay at ground floor elevation would 'over sail' the proposed recessed doorway and adjoining windows forming the principal entrance to the apartment. Due to the position of the upper section of the bay, it is not apparent that inclusion of additional windows and glazing to the entrance door would significantly increase levels of natural light into the basement apartment. The quality of the internal space would thereby be diminished through the formation of an oppressive space, which would result in harm to residential amenity. The quality of the accommodation may also discourage the sustained occupation of the proposed apartment. The security afforded by glazed doors to the front and rear elevation is questioned. Should solid or semi-solid doors be introduced natural light to the apartment (including the proposed bedroom) would be further compromised. The property has a long but narrow rear garden. There is concern that its proposed sub-division and formation of two gardens would undermine the quality and usability of amenity space for both the existing house and proposed apartment. The additional levels of noise and activity associated with the more intensive occupation of the property would also be harmful to residential amenity. The development is not supported due to this identified potential harm.

Crime and security – The main external entrance would be via the existing below ground level staircase positioned in the front garden. The arrangement of the staircase and proposed recessing of the door to the entrance results in limited natural surveillance, which would be harmful to the safety of residents and security of the appartement. The identified limits toe natural surveillance would be exacerbated by projection of the ground bay windows above the proposed recessed entrance. In these circumstances, the door and adjoining window would be vulnerable to crime and the safety of residents accessing and egressing the apartment may be compromised. The arrangements of the rear doorway to the apartment would present similar

concerns. It is considered that the development would undermine security within the site and thereby be harmful to residential amenity.

Boundary treatment – The applicant has indicated the formation of separate gardens for the retained house and proposed apartment. The fencing would be centrally aligned and would significantly reduce garden area available for use by the residents of the existing house (to the detriment of residential amenity). Although not included in the description of development, indicative details of boundary fencing enclosing the eastern boundary have been submitted. These details have not demonstrated the appropriate means of access and egress to the adding alleyway, which would be required to ensure the delivery of bin collection.

Waste and recycling management – Subject to the discussed arrangements for bin collection, it is considered that appropriate arrangement for waste and recycling management could be potentially provided within the rear garden areas.

Visual impact of external works – As the proposed external works would be predominantly undertaken below ground level. There would, therefore, be a limited impact of the character and appearance of the existing house and its relationship to the streetscene.

Access - The development would not achieve inclusive access due reliance upon steps to address changes to internal and external levels.

Highways issues - The site is in a location served by public transport and Levenshulme District Centre is in walking distance. However, it is noted that the neighbouring area has significant on-street car parking. The application site does not have capacity for car parking. The introduction of a new apartment may be accompanied by additional demand for car parking, which cannot be met within the site. Such circumstances would exacerbate localised congestion and be harmful to the amenities of the area.

Cycle storage – The proposed apartment would be supported with two cycle spaces, which would exceed the provision usually recommended for a one bedroom apartment.

Conclusion - It is considered that the development provides an appropriate and proportionate additional residential accommodation. The implementation and future management of the development would be secured through the conditions set out below.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

In this case, officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, discussions between officers and the applicant's agent to ensure the submission of sufficient information to allow its detailed assessment. Following this assessment, the agent was advised that the development would not be supported due to its potential harm to residential amenity. No further discussion was undertaken.

Reasons for recommendation to refuse

1) The proposed introduction of a basement apartment would result in an overly intensive use of the property with a consequential increase in the levels of activity, noise and disturbance and demand for car parking. The development would have a detrimental impact on residential amenity and the character of the area and thereby be contrary to policies DM1, T1 and SP1 of the Core Strategy for the City of Manchester, saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester and policies JP-P6 (Health) and JP-S1 (Sustainable development) contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

2) The arrangement of existing built form and the position of the respective front doors and windows and rear doors would not deliver satisfactory natural surveillance from the retained house and public realm. Residents and the apartment entrances would thereby be vulnerable to crime, contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policy JP-P6 (Health) contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

3) The development, by virtue of the positioning of existing upper floor bay and arrangement of glazing to doors and windows to the front and rear elevations, would fail to provide appropriate and satisfactory natural light into the proposed basement apartment. The resulting poor quality of internal space would be harmful to the well-being and amenity of future residents and would deter the sustained occupation of the apartment. The development would thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC5 of the Unitary Development Plan for the City of Manchester and policy JP-P6 (Health) contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

4) The sub-division of the rear garden area would fail to secure the appropriate arrangement of private amenity space for the proposed apartment and retained house. The resulting harm to residential amenity would be contrary to policies SP1 and DM1 of the Core Strategy for the City

of Manchester and saved policy DC5 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 5, 72 Windsor Road, Levenshulme, Manchester, M19 2EB
Flat, 167 - 169 Slade Lane, Manchester, M19 2AF
Flat 1, 72 Windsor Road, Levenshulme, Manchester, M19 2EB
Flat 4, 72 Windsor Road, Levenshulme, Manchester, M19 2EB
Flat 3, 72 Windsor Road, Levenshulme, Manchester, M19 2EB
Flat 2, 72 Windsor Road, Levenshulme, Manchester, M19 2EB
171 - 175 Slade Lane, Manchester, M19 2AE
66 Windsor Road, Levenshulme, Manchester, M19 2EB
167 Slade Lane, Manchester, M19 2AF
10 Victoria Road, Levenshulme, Manchester, M19 2EA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA