

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135564/FO/2022

Date registered valid: 7 December 2022

Proposal: Conversion of existing basement into 1 bedroom flat, including the formation of a new light well to the front elevation and new window, openings in the side elevation.

Address: 28 Clyde Road, Manchester, M20 2HN

Ward(s): Didsbury West Ward

Applicant: Mrs Helen Armstrong, C & H Real Estate Ltd

Agent (if any): Mr Matthew Myers, LHG Projects Ltd

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 30.01.2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 06 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice: Displayed 06 January Expired: 27 January 2023

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Not applicable

Description of Site/Area

The application property relates to a non-listed large three storey Victorian semi-detached property located on Clyde Road within the ward of Didsbury West. The application site falls within the Albert Park Conservation Area 1988 and as such a site notice was displayed on site.

The property is brick built with a slate tiled roof. The dwellinghouse has been converted into five flats occupying the ground, first and second floors. The basement is unused. The existing flats all take access through the front door. There is a small paved front garden area utilised as off street car parking provision. At the rear of the property is an existing single storey rear extension and small rear artificial grassed area.

The site is located with a predominately residential area with Withington Community Hospital to west of the application site.

Description of development

The application is seeking planning permission to convert the existing basement to form a self-contained 1 bedroom flat, including the formation of a new lightwell to the front elevation and new window openings in the side elevation. Access to the flat would be via an external staircase along the side elevation.

To facilitate the change it is proposed to insert a new lightwell along the existing blank front elevation with additional window openings along the side elevation.

Refuse storage will be retained to the front of the property and no off street parking is provided apart from the existing front garden area.

In support of the application the applicant indicates that the proposal would result in only one additional bedroom created.

Consultations & Notification Responses

Local residents were notified however none responded.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and EN3

Policy SP1 sets down the spatial principles that will guide development in the City. In particular the creation of neighbourhoods of choice.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 seeks to protect the City's heritage assets from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policies are DC5 and DC18

Policy DC5 sets down the criteria to be considered in determining applications for flat conversions.

Policy DC18 seeks to protect the City's conservation areas from the adverse impact of developments.

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 12, 13 and 14 of the NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: "Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 190 through 208 give guidance in the consideration of applications that impact on heritage assets. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Legislative Requirements

Section 72 of the Listed Buildings Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Principle

For the reasons set out in the following sections it is considered that the creation of the basement flat would be in principle unacceptable and conflict with Council policies.

Issues

Scale

Concern is expressed that the creation of a sixth flat would result in the over intensive use of the property. As originally built the property would accommodate a single household and it is considered that the comings and going for six households would adversely impact on the character of the area and the amenity of the residents with additional demands for on street car parking and refuse storage. On balance it is considered that a sixth flat would result in the over intensive use of the property.

Residential amenity

It is considered that the creation of a basement flat would result in additional comings and goings, demand for limited on-street car parking as well as general activity associated with a dwelling. Concern is expressed that this additional activity would adversely impact on the amenity of the existing residents both within the property and also adjacent and nearby properties. On balance, it is therefore considered that the proposed development would adversely impact on the residential amenity of the area.

Security

The entrance into the proposed basement flat is proposed along the side elevation of the property. The opportunities for natural surveillance of the proposed entrance would be limited and as a consequence it is considered that the door would be vulnerable to either criminal or anti-social behaviour.

The access steps from the side/rear yard to the accommodation are open and lead directly into the rear yard of the property. There is no additional security gates or design and therefore any potential visitors would not be visible from the street resulting in both the entrance to the accommodation and people using it vulnerable.

Parking

The property is currently let in five flats with 3-4 car parking spaces situated within the front garden area. However, with the increased comings and goings this leads to an increased demand for on-street parking in a residential neighbourhood of Didsbury West, where there is already demand for on-street car parking from residents. Concern is expressed that whilst there is a sustainable location with good access to local facilities this does not necessarily mean that the future residents will not own a car and consequently there could be increased demand for on-street car parking. Additionally, no cycle storage provision was provided within the application submission.

Impact on the Character of the Conservation Area

The property is a striking semi-detached dwelling in a prominent location within the Albert Park Conservation Area. In preserving the character of a Conservation Area the setting of the building is an important element of any development. In this instance it is proposed to regularise the current refuse storage arrangements in the front garden. Moreover, the application offered little additional information or scheme for the proposed refuse storage. It is considered that the existing refuse storage would adversely impact on the setting of the building and the wider local streetscene. The proposed refuse arrangement would therefore not have a positive benefit on the character of the conservation area.

Conclusion

On balance it is considered that the proposed development would result in the over intensive use of the property to the detriment of the amenity of residents and adversely impact on the amenity of the area. The proposed development therefore conflicts with Core Strategy policies SP1, DM1 and saved UDP Policies DC5, DC18 and DC26.

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: REFUSAL

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 a flat in a basement making six flats in the property would represent an over-intensive use of the property. The additional comings and goings and the associated noise and disturbance generated by the additional occupiers would be detrimental to the levels of residential amenity enjoyed by the occupants of those properties adjoining the site. The proposed development is therefore contrary to policy DM1 of the Manchester Core Strategy Development Plan Document.
- 2) The entrance to the side of the property will leave the entrance and people using it vulnerable to anti social and criminal behaviours due to a lack of natural surveillance from the public domain. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

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

Conservation Area - Albert Park Conservation Area 1988

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA