

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135431/FO/2022

Date registered valid: 10 November 2022

Proposal: Conversion of the basement to form 1 no. self-contained apartment together with associated elevational alterations, formation of rear sunken terrace, installation of covered bicycle store and car parking

Address: 10 Ellesmere Road, Manchester, M21 0SR

Ward(s): Chorlton Ward

Applicant: Mrs Tahira Akram 34 Egerton Road South, Manchester, M21 0YN

Agent (if any): Mr Darren Pomfret Manchester Building Design Ltd 8 Gas Street, SK14 8JD

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 5 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 December 2022

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 22 November 2022 Expired: 13 December 2022

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

The property is a three-storey, semi-detached Edwardian style property which has previously been converted in to three self-contained flats. The property has a hard standing across the front and a garden to the rear. The agent has demonstrated that the hard standing can accommodate off road parking for three cars however, these spaces have not been demarcated and there is no front garden due to the hard standing. There is currently a small dormer to the side of the property.

The area is predominantly residential in character with the neighbouring property already converted in to 4 no. self-contained flats some years ago and the adjoining neighbour being a single-family dwellinghouse

The proposal includes the conversion of basement into a self-contained flat, making 4no. flats in total.

Planning History

108219/FO/2015/S1 Conversion of basement into a self-contained flat, making 4no. flats in total, installation of side dormer and roof extension Refused

069562/FO/2003/S1 Change of use of basement and ground floor into two duplex flats and enlargement of existing side dormer window with associated Refuse

068196/FO/2003/S1 Conversion of ground floor and basement to form 2 duplex flats giving a total of 4 flats with 4 parking spaces in front garden Refused

039650 Change of use from four bedsit flats to three self-contained flats provision of dormer window in roof space. Approved

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and three objections was received.

- o Concerns over lack of parking, as there are only three spaces, also parking would not be available outside the property on street as that would block the off-street parking.
- o Parking on Ellesmere Road is already at capacity and over capacity at the weekend, in part caused by the number of flats already on the road converted from the large houses.
- o Increase in noise disruption due to more tenants living in the property.
- o Property already has a negative impact due to the loss of the front boundary wall.

The Highways Team were consulted and commented an existing area of hardstanding provides parking provision for the existing three apartments, supported by an existing dropped-kerb access from Ellesmere Road.

The current proposals suggest that parking provision will be increased on-site although it is unclear how this will be obtained as the existing hardstanding to the property frontage will remain although with further narrowing associated with proposed planting areas/landscaping.

Highways confirmed all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.

Submitted plans indicate that provision to the required dimensions cannot be obtained. This would therefore lead to vehicles encroaching onto the footway or additional on-street parking demand at a location where on-street parking demand is noted to be high.

It is unclear how the driveway parking spaces would be managed/allocated between the four apartments to be accommodated within the property.

It is also unclear whether adequate pedestrian clearance would also be provided to the front door of the property should driveway parking be fully occupied.

Designated refuse storage has been accommodated for each individual dwelling with kerbside collection noted from Ellesmere Road.

Whilst Highways consider this arrangement to be acceptable, it is unclear whether adequate clearance will be retained along the driveway to allow the manoeuvring of bins from the side of the property to the kerbside.

Environmental Health were consulted and recommended should the proposal be supported the construction hours be restricted, and an air quality condition be attached to the consent. Environmental health agreed the waste management strategy was acceptable.

Chorlton Voice were consulted, and no representation was received.

Issues

National Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area. It states that permission should be refused for development of poor design that fails to improve the character and quality of an area. The NPPF also states that the planning system can play an important role in creating healthy, inclusive communities. It is considered that the proposed development is inconsistent with the guidance given in the NPPF.

Local Policy

Manchester Core Strategy

The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 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.

Policy SP1 (Spatial Principles) states that the emphasis is on neighbourhoods of choice and that development should create well designed places that enhance or create character, consider the needs of all members of the community, and protect and enhance the built and natural environment.

Policy H6 of the Core Strategy states South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Paragraph 9.27 further states that the small proportion of new development reflects the lack of land available for new residential development in South Manchester (approximately 5% of sites, SHLAA 2010). There is a need for higher densities within District Centres to meet the need for affordable housing and new or specialist housing in other areas to provide alternative high quality housing for people wishing to downsize. It is important to increase housing choice by adding to the stock of larger housing units to complement new housing on higher value sites to retain or attract high income earners by releasing under-occupied property.

Policy EN1 states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

Policy DM1 states that all development should have regard to various issues, including:

- 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. Development should have regard to the character of the surrounding area
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes
- o Community safety and crime prevention
- o Adequacy of internal accommodation and external amenity space
- o Refuse storage and collection
- o Vehicular access and car parking

The Core Strategy also states that the Council's approach to Development Management is intended to ensure that new developments contribute to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that the detailed aspects of new development complement the Council's broad regeneration priorities, in particular by contributing to Neighbourhoods of Choice. This includes protection of amenity and local character, environmental standards and practical matters such as access and safety.

Saved UDP Policy DC5 Flat Conversions

DC5.1 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, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs.
- e. adequate private outdoor amenity space.
- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in 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.

Residential Amenity

The development would have a negative impact on the residential amenity of surrounding occupiers as the proposed conversion of the basement of no. 10 Ellesmere Road into an additional self-contained flat, would be contrary to saved policy DC5 of the UDP which states that for proposals involving flat conversions, the Council will have regard to the standard of accommodation and the effects upon adjoining occupiers. Furthermore, policies DM1 and SP1 of the Core Strategy indicate further, that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents, whilst saved policy DC26 of the UDP looks to consider the effect of new development proposals which are likely to be generators of noise.

In this case the addition of further occupiers with independent lifestyles and differing pattern of behaviour in contrast to traditional family occupancy, would lead to an increase in pedestrian and vehicular activity at the site, with the potential to cause unsatisfactory levels of noise and disturbance. The increased comings and goings would serve to have a negative impact upon the living conditions of neighbouring residential occupiers to the detriment of their amenity.

For the reasons below, the proposal is considered to be unacceptable and inconsistent with policies SP1, H6, EN1 and DM1 of the Core Strategy and saved policy DC26, DC5.1, DC5.2 and DC5.3 of the UDP.

Furthermore, there would be insufficient dedicated off-road parking available for occupiers of the flats which would be detrimental to neighbouring occupiers as this is an area of high demand for on street parking spaces. The front garden has already been given over to parking which the agent has indicated can accommodate 3no. cars, a fourth car could not park on the street in front of the property as it would block access to these spaces.

Sustainable communities

The development would provide small residential units that would be unsuitable for use as family accommodation and would offer no scope for flexibility in accommodating changing family requirements. It is probable that the proposed new flats could cater for individual occupiers for relatively short periods of time, i.e. transient occupiers. It is considered that this type of accommodation is over-represented in the area already, and so the proposal would therefore further entrench an unsustainable pattern of housing and further tip the balance of the community away from stability and diversity in size and tenure. The proposal would act against the drive to improve housing choice in the local area and inhibit the area's ability to retain residents in the long term. A likely consequence of increasing transience is lower aspirations

within the community and an increased risk of poor management and therefore urban blight within the community.

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

Officers have worked with the applicant in a proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached as the nature of the proposal was considered to be fundamentally unacceptable.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The conversion of the basement of no. 10 Ellesmere Road into a self-contained flat making 4 no. flats in total, would be unacceptable as it would represent an over development of the site by reason of the amount of accommodation on the site, and lead to the over-intensive use of the property, lead to an associated (and unacceptable) increase in comings and goings, lead to increased congestion, noise and disturbance, and would not help diversify the mix of house types in the area, therefore contributing towards an unsustainable community, to the detriment of residential amenity within the area. For these reasons, the proposal would be overdevelopment and unacceptable, and contrary to guidance within policies SP1, H6 and DM1 of the Core Strategy and the National Planning Policy Framework and DC26, DC5.1, DC5.2 and DC5.3 of the Unitary Development Plan for Manchester.

2) The creation of an additional flat within the basement of no. 10 Ellesmere Road is likely to increase demand for the limited space available for parking on street, as there will be no increase in the provision of off-street parking. The additional demand for on street parking would have a detrimental impact on the amenity of the area and is therefore contrary to the provisions of Core Strategy Policy DM1 and saved Unitary Development Plan policy DC5.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice
Chorlton Voice
Environmental Health

8 Ellesmere Road, Manchester, M21 0SR
Flat 2, 7 Chandos Road, Manchester, M21 0SS
Flat 5, 5 Chandos Road, Manchester, M21 0SS
Flat 2, 5 Chandos Road, Manchester, M21 0SS
Flat 3, 10 Ellesmere Road, Manchester, M21 0SR
5 Ellesmere Road, Manchester, M21 0SG
11 Chandos Road, Manchester, M21 0SS
Flat 4, 7 Chandos Road, Manchester, M21 0SS
Flat 3, 7 Chandos Road, Manchester, M21 0SS
Flat 1, 7 Chandos Road, Manchester, M21 0SS
Flat 2, 10 Ellesmere Road, Manchester, M21 0SR
Flat 4, 5 Chandos Road, Manchester, M21 0SS
Flat 3, 5 Chandos Road, Manchester, M21 0SS
Flat 1, 5 Chandos Road, Manchester, M21 0SS
Flat 1, 10 Ellesmere Road, Manchester, M21 0SR
9 Ellesmere Road, Manchester, M21 0SG
7 Ellesmere Road, Manchester, M21 0SG
9 Chandos Road, Manchester, M21 0SS
6 Ellesmere Road, Manchester, M21 0SR
4 Ellesmere Road, Manchester, M21 0SR

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
Area Team Boundary - Name: SOUTH AREA