

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135175/FO/2022

Date registered valid: 11 October 2022

Proposal: Erection of a 2-storey detached replacement dwelling with living accommodation in loft with associated landscaping and car parking following the demolition of original detached dwelling

Address: 409 Wilbraham Road, Manchester, M21 0UT

Ward(s):

Applicant: Mr. Tayyab Akhlaq, 409 Wilbraham Road, Manchester, M21 0UT

Agent (if any): Mr Barry Tang, Tang and Associates Ltd - Chartered Architects 10/F 1 City Approach, Albert Street, Eccles, Manchester, M30 0BG

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

Recommendation: Approved

Date of recommendation: 29 November 2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 18 October 2022 Expired: 8 November 2022

Neighbour notifications

Printed: 18 October 2022 Expired: 8 November 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 site is occupied by a partially built detached two storey building within a predominantly residential area.

The property sits within a large oblong plot on Wilbraham Road between detached properties.

Background

Since the submission of the previous planning application submitted in 2021, the approved scheme has only been built to 1/F level. Discrepancies with the approved scheme (131200/FO/2021) were found, therefore, a new planning application to regularise the discrepancies has been submitted.

Description of area

Wilbraham Road is a long A-road connecting Chorlton to Fallowfield, within the Chorlton Park ward, is mixed in character and features detached and semi-detached family dwellinghouses of different ages. The area benefits from its proximity to the district centre and good transport links including 2 metrolink stops and several bus routes.

Description of Development

Erection of a 2-storey detached replacement dwelling with living accommodation in loft with associated landscaping and car parking following the demolition of original detached dwelling.

Planning History

129026/FO/2020 Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden - Withdrawn.

131200/FO/2021 for the erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden - Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received.

The following planning conditions attached to the previous approved consent have been discharge under reference no. CDN/22/0041 and are outlined below:

3 Materials

5 Landscaping

9 Construction Management Plan

10 Electrical Charging Points

12 Environmental Statement

13 Waste

11 Noise Attenuation has been partially discharged and requires a verification certificate.

Highways - Raised no objections to the planning application, and given the approved partially constructed on site the planning conditions have been successfully discharged under planning ref: no CDN/22/0041 therefore, no additional planning conditions are required.

Issues

Policy

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

Policy DM 1 - Development Management

Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Principle - The proposal is for the erection of a 2 storey detached dwelling house with accommodation in the roof space following demolition of the existing dwelling together with the erection of a single storey outbuilding in rear garden which is considered to be acceptable.

Notwithstanding this, consideration must be given to the proposed developments siting, design, appearance, scale and massing, and to the proposal's impact upon existing levels of residential amenity.

Siting - The application follows on from application 129026/FO/2020 which was withdrawn and a previous application was approved under planning reference number 131200/FO/2021 for the erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden. This proposal has been partially built and through the current application the changes that appear on site seek to be regularised.

The front wall of the property would sit in the same position as the property to be demolished. The single storey element to the frontage would be reduced in footprint. The width of the property would not be significantly expanded with gaps maintained to the boundary with No. 407 and 411 Wilbraham Road.

Design and Appearance - Details of the materials were included on the submitted application forms, a condition requiring submission of final materials is appended, which is considered to be acceptable.

Scale and Massing - The roof form would not be typical of this part of Wilbraham Road, however examples of the pitch and ridge width do exist further to the west on Wilbraham Road beyond the junction with Wyverne Road to the south side of Wilbraham Road.

Residential Amenity - The amendment incorporated into the scheme include alterations to the rear elevation. The ground floor projects 3.6 meter from the same plane as the rear elevation of the 411 Wilbraham Road and maintains the separation distance from both neighbouring properties. The Existing single storey as built measures 2750mm from G/F Finish Floor Level to top of as built wall and the Proposed Single Storey will measure 2640mm from G/F Finish Floor Level to bottom of single storey eaves. The first-floor projects 1.5 metres from the rear elevation of 411 Wilbraham Road and is pulled away from the boundary of 407 Wilbraham Road and maintains a 1.7 metres gap between the common boundary and the first floor gable. Furthermore, there are extensions of scale at No. 411 Wilbraham Road that negate any such impact. The scheme includes a hip to the roof so that there would be a similar relationship as exists between 411 and 409 as existing. It is not considered that any impact upon the neighbour at No. 407 Wilbraham Road in terms of loss of light (having regards to the orientation) / overbearing impact (with regards to the projection beyond the rear building line and the gap to the boundary provided) would be so undue as to warrant the refusal of planning consent. Windows to the front and rear would not provide any further overlooking than from the existing property. Windows to the side elevations facing 407 and 411 would be conditioned to be obscurely glazed.

Waste collection - The residents would have ample space to store bins in a location which is not obtrusive within the street scene. However, details of this are required by condition.

Parking - Substantial off street car parking space could be accommodated on site. Details of hard landscaping, soft landscaping and boundary treatment have been agreed as part of the approved scheme.

Conclusion - The proposal is considered acceptable in this location in terms of design, scale and massing and it is not considered that the proposal would create any undue loss of amenity to neighbouring occupiers, nor that of the present and future occupiers of the application site. The proposal therefore complies with policies DM1 and SP1.

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: Approve

Article 35 Declaration

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. The proposal is considered to be acceptable and has been determined in a timely manner.

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

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:

9813/111 Rev C, 9813/112 Rev D, 9813/113 Rev E, 9813/114 Rev E, 9813/122 Rev D, and the Design and Access Statement, stamped as received on the 11 October 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Before first occupation of the extensions approved, the windows to the side elevations facing 407 and 411 Wilbraham Road shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings listed in condition 2.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

7) A verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

407 Wilbraham Road, Manchester, M21 0UT

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4