
REPORT FOR RESOLUTION

Committee	PLANNING AND HIGHWAYS
Date	17 February 2011
Subject	Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation
Location	095028/JO/2010/S1 25 Drayton Street, Hulme, Manchester, M15 5LL 095029/JO/2010/S1 15-17 Pickering Street M15 5LQ, 22-24 Mackworth Street, Hulme, Manchester, M15 5LP 095030/JO/2010/S1 12,14,16,18 Mackworth Street, Hulme, Manchester, M15 5LP 095031/JO/2010/S1 31 Drayton Street, Hulme, Manchester, M15 5LL 095032/JO/2010/S1 4-6 Mackworth Street, Hulme, Manchester, M15 5LP 095034/JO/2010/S1 4 To 6 Bankwell Street, Hulme, Manchester, M15 5LN
Applicant	Mr Darren Parks, Ashridge, Cow Lane, Ashley, Nr. Hale, Cheshire, WA15 0QQ
Agent	Mr D K Seddon, Howard and Seddon Partnership, 64 Washway Road, Sale, Cheshire, M33 7RE
Report of	HEAD OF PLANNING

Purpose of report

To describe the above applications for planning permission, the issues involved and to put forward recommendations.

Recommendation

The Head of Planning recommends that the Committee:-

- 1) **REFUSE AND ENFORCE** planning application **095028/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03

to allow conversion of garage to additional living accommodation for the reasons set out in this report.

2) **REFUSE AND ENFORCE** planning application **095029/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation for the reasons set out in this report.

3) **REFUSE AND ENFORCE** planning application **095030/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation for the reasons set out in this report.

4) **REFUSE AND ENFORCE** planning application **095031/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation for the reasons set out in this report.

5) **REFUSE AND ENFORCE** planning application **095032/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation for the reasons set out in this report.

6) **REFUSE AND ENFORCE** planning application **095034/JO/2010/S1** relating to Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation for the reasons set out in this report.

Financial Consequences for the Revenue Budget

There are no financial consequences for the Revenue Budget

Financial Consequences for the Capital Budget

There are no financial consequences for the Capital Budget

Contact Officer(s)

Dave Morris

0161 600 7924

d.morris@manchester.gov.uk

Background Documents

Planning Applications:- 095028/JO/2010/S1, 095029/JO/2010/S1, 095030/JO/2010/S1, 095031/JO/2010/S1, 095032/JO/2010/S1 and 095034/JO/2010/S1.

Planning Policy Statements:- PPS1, PPS3

Regional Spatial Policy:- DP2

Unitary Development Plan Policies:- H1.2, H2.2, DC3, DC26

Guide to Development in Manchester.

Responses of:

Councillors Nigel Murphy, Mary Murphy and Amina Lone

5 Mackworth Street

Regeneration South

Highway Services

Third Party Consultations:

Various properties adjacent to the application site. Full details can be obtained through Public Access.

Wards affected

Hulme Ward

Implications for:

Anti-poverty	Equal Opportunities	Environment	Employment
None	None	yes	None

Description

This report relates to six applications submitted by a single applicant , all of which are seeking to vary condition 6 attached to planning permission 066945/FO/2010/S1 to allow the use of the integral garages as additional living accommodation. In total the applications relate to 14 separate dwellings (see attached location plan).

All of the properties the subject of this report are located on the same estate which was constructed between 2004/2006 on part of what was the Loreto College Playing fields on Bold Street in Hulme.

The 14 properties are all of the same type (see attached drawing of house type), comprising 3 storey dwellings with integral garages. 15 and 17 Pickering Street and 22 and 24 Mackworth Street are in terraces of three properties. 25 and 31 Drayton

Street and 4 and 6 Bankwell Street are within terraces of four properties. 4 and 6 Mackworth Street are in a terrace of five properties and 12, 14, 16 and 18 Mackworth Street are two pairs of semi detached houses.

All properties have a shallow front garden and a drive generally about 6 m long. The entrances to the garages are recessed to provide sufficient length for the drives. There are private gardens to the rear of the properties. The terraces themselves and form part of a City Block that was typical of the approach adopted for the redevelopment of Hulme at that time. To the rear of the properties are parking courts for use by the residents of the flats that contribute to the varied range of accommodation found in the development. Refuse storage for all the properties is supposed to take place in the communal areas at the rear. In practice refuse storage takes place at the front of the properties. There are no parking restrictions on-street, however, on Drayton Street barriers have been installed to prevent parking on the verges. There are no verges on Bankwell Street, Mackworth Street and Pickering Street and parking there takes place adjacent to and on the footpaths.

The applications which are retrospective in respect of all the properties except 16 Mackworth Street, seek to retain the existing unauthorised use of the garages as an additional bedroom to what is a house in multiple occupation. There are no elevational alterations with the original garage doors being retained with a block work wall behind. Natural light and ventilation is provided from a door in the rear elevation which is separated from the room by a narrow passage off which is a shower room. The properties were originally built as three bedroom houses. Detailed plans are only provided of the ground floor and these show two bedrooms. It is reasonable to assume therefore that the properties are in use as at least 5 bed houses in multiple occupation.

Consultations

Local residents: One letter has been received objecting to application 095032 for the following reasons;-

1. Since the development was first completed the development has failed to realise the anticipated social mix, in particular there are a lack of families.
2. Mackworth Street contains 95% rented properties with most being in multiple occupation and concern is expressed that the properties in the area are becoming room factories and this is driving families out.
3. The high levels of multiple occupation lead to increased parking problems in the area.
4. There is a lack of pride in the area due to the short time many of the residents of the houses in multiple occupation stay in the area. Frequently bins are left overflowing and items are dumped in the street.
5. The conversion of houses into multiple occupation in an area where there is an abundance of flats is having a detrimental impact in reducing housing

options and enhancement of the community experience.

Ward members – Councillors Mary Murphy, Nigel Murphy and Amina Lone have objected to all the applications for the following reasons:

“Each of the application is seeking a variation to planning permission 066945/FO/SOUTH1/03 to allow the conversion of garage space to form additional living accommodation. This area of Hulme already suffers from a lack of on street parking spaces and if these applications are successful it will only make the situation worse by not only reducing the number of off road spaces but also by increasing the population of this area and therefore increasing the number of cars. The Ward members believe that condition 6 made to planning permission made in 2003 needs to be upheld.”

Regeneration South – “The properties on this estate were developed as family homes. Due to problems experienced elsewhere in the Ward in association with car parking the idea on this estate was that the development should also include in-curtilage parking within garages. Subsequently private landlords have informally and progressively altered the garage spaces to increase the availability of inhabitable rooms to offer to tenants. This is having a detrimental impact on the estate in many ways, but the increased car parking has impacted on

- the ability of the Council to deliver services to the estate - as occasional blockages of streets mean that bin wagons have difficulty accessing streets;
- environmental concerns as cars are parking on landscaped frontages of the street which has triggered resident complaints.

The changes to the estate have created a completely different character to this residential area and the aspirations for the area have been diminished as a direct result.”

Highway Services – Have made the following comments in respect of the developments:-

- More information is required to understand how the survey was conducted and how reflective it is of the area and in particular the development itself.
- There is pavement parking occurring on the street that is detrimental to the streetscape, residential amenity and accessibility, especially those using mobility scooters or wheelchairs. As this is a retrospective application and the survey doesn't contain the necessary information it is not possible to determine how much of this is as of a consequence of the development.
- The accident data available does not suggest that there is a highway safety issue with the existing level of on street parking in the development.
- The loss of the garages has removed 14 car parking spaces from the development and the opportunity for this space, if not used for parking a car, for the secure storage of bicycles.
- The intensification of use of the properties may add to the demand for on street parking.
- The streets around the development were not intended to accommodate significant levels of on street parking as adequate provision was provided on driveways, in garages and in the courtyard.

- The conversion of the garages to accommodation is of concern in terms of setting a precedent.
- Increased demand for on street parking tends to lead to incidences of inconsiderate parking, in terms of pavement parking and parking across driveways, which affect residential amenity. This tends to result in pressure from local residents for TRO's that are contrary to guidance such as Manual for Streets and detract from the streetscape.
- The applicant should consider implementing a neighbourhood Travel Plan in order to further promote the use of sustainable modes of transport and reduce the need for parking provision should the application be approved. This may include the identification / funding of secure cycle parking.

Issues

Unitary Development Plan – The relevant policies are:-

Policy H1.2 which seeks to provide a range of housing types to meet the varying needs of the residents of the City.

Policy H2.2 which seeks to protect the amenity of residents from the adverse impact of development.

Policy DC3 – which sets down the criteria to be considered in determining applications for Houses in Multiple Occupation and in particular the need for adequate parking provision.

Policy DC26 which seeks to protect residents from the affects of noise generated by developments.

Guide to Development in Manchester – seeks to minimise the impact of private cars on the street scene.

Draft article 4 Direction- In response to the City Council's concerns about the impact of Houses in Multiple occupation on the character and sustainability of areas the City Council has approved an Article 4 Direction that will make it necessary to apply for planning permission to change from a C3 Dwelling house to a C4 House in Multiple Occupation. The Direction will come into force on 8th October 2011.

National Guidance – National Guidance is contained in PPS1 and PPS3

PPS1 and PPS3 seek to achieve sustainable communities, including the provision of a range of accommodation to meet peoples differing needs.

Regional Spatial strategy – The RSS was adopted as part of the development plan for the City of Manchester in September 2008. The relevant policy is:-

DP2 – Promotes the creation of sustainable communities.

Principle

In granting planning permission 066945/FO/SOUTH1/03 for the residential development of which these properties form part, the City Council expressed concerns over the potential impact that the conversion of the garages to additional living accommodation could have and therefore attached a condition preventing works that otherwise would be permitted development. The condition read:-

“Notwithstanding the provisions of Article 3 of, and class A of part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order 1995, the garage accommodation hereby approved as part of this development shall not be converted into living accommodation without the express permission on the part of the City Council as Local Planning Authority.

Reason – The loss of the garage parking space would result in an unacceptable increase in on-street parking and would therefore be detrimental to highway and pedestrian safety.”

In that the relaxation of this condition would result in 14 of the 123 housing units in this development, i.e slightly in excess of 10%, losing their garages the principle is not considered acceptable.

Circular 11/96

This Circular sets down 6 tests to be applied to planning conditions. These are that a condition should be :-

- Necessary
- Relevant to Planning
- Relevant to the development permitted
- Enforceable
- Precise and
- Reasonable in all other respects.

The applicant claims that the condition fails to meet three of these tests, namely that the condition is unnecessary, not relevant to planning and is not reasonable. These issues will be addressed in the following sections.

Parking

The use of these properties as Houses in Multiple occupation with, in effect, up to five households within each property, increases the likelihood that car ownership will be greater and thus demand for parking will increase. These properties do not have access to the parking courts at the rear of the properties and consequently additional parking must be accommodated on-street. This invariably takes place half on and half off the footpaths, except on Drayton Street where there is a grass verge, though this has had to be defended with a rail in response to car parking on it. The displacement of vehicles from within the garages onto the highway detracts from the amenity of pedestrians, the visual amenity of the area and highway safety.

The relationship of Hulme to the City Centre makes it an extremely attractive area to

commuters who can park for free on the streets and either walk or use public transport to access the City Centre. This not only causes congestion in the area, it has implications for highway safety, increasing the potential for accidents and the potential for disputes to arise between residents and commuters. In response to these issues the City Council has introduced a residents parking scheme in part of Hulme fringing the City Centre.

The Guide to Development in Manchester seeks to reduce the visual impact of parked cars through the use of innovative and imaginative solutions when designing new developments. The Loreto Place development embodied these principles in its design, in that all the houses were provided with either a garage or a car port behind the building line, whilst flats are provided with courtyard parking within the city blocks, thus obviating the need to park either on street or in front of the building line. The roads themselves are designed to discourage on-street parking, through the lack of width and grass verges are provided on Drayton Street to prevent parking on the footpath. The loss of the garages will encourage long term parking in front of the building line and on street and that this will detract from the visual amenity of the area.

Character of the area

All of the properties the subject of this report fall within a small discrete area. The granting of permission would result in a substantial percentage of the family houses being let in multiple occupation. Which would adversely impact on the sustainable community that was envisaged when the original planning permission was granted. As built, the development comprised a mix of one and two bedroom flats and three and four bedroom family homes. The close proximity of Hulme to the Higher Education precinct make such properties popular with students, whilst the conversion of the integral garage to an additional bedroom can increase the return. The widespread letting of properties to students undermines the sustainability of the community in that for large parts of the year properties lie empty, and the conversion of the garages to living accommodation render the houses less attractive to families, thus encouraging more properties to transfer to the buy to let market. In addition there is less social cohesion and sense of community in an area where large numbers of properties are let on a short term basis which further undermines the sustainability of the original scheme.

Standard of Accommodation

The applicant claims that he was advised by officers before purchasing the properties that planning permission was not required for the garage conversions. It would therefore appear unusual that the conversions have been carried out in a covert manner with the bedroom hidden behind the retained garage door. As a consequence the only natural light and ventilation comes from a door in the rear elevation. This door is separated from the bedroom by a narrow passage off which is a door into a shower room. This separation from the door to the room which results in restriction on ventilation and natural light to the room is such that the standard of accommodation is considered unsatisfactory from a planning standpoint.

Conclusion

The applicants have claimed that the condition which prevents to conversion of the garages to living accommodation is unnecessary, however, on street parking in the Hulme area was an issue prior to the development being constructed and one the Council had sought to redress with a residents parking scheme. It was therefore reasonable to take measures to prevent to existing situation being exacerbated as the redevelopment of Hulme continued. The creation of a balanced sustainable community is a planning consideration and the impact that parking can have on residents enjoyment of their home is significant. Therefore the condition was relevant to planning. As the consequences of the conversion of the garages impacts on the amenity of other residents in the area it is reasonable to seek to control such conversions. It is considered that the original condition meets the tests set down in Circular 11/96 and that the conversion of the garages into living accommodation with adversely affect the character of the area and highway safety. In addition the standard of accommodation produced is unsatisfactory. The development therefore conflicts with Policies H1.2, H2.2, DC3 and Dc26 of the Unitary Development Plan as well as the principles contained in the Guide to Development in Manchester.

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 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 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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation 095028/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095028/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of this property would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

2) By depriving the occupants of the property the use of the garage, the development has resulted in the long term parking of a motor vehicle in front of the building line to the detriment of the visual amenity of the area. The development is therefore contrary to the provisions of the Guide to Development in Manchester (Supplementary Planning Document).

3) The retention of the development would set a precedent for further such conversions which would further change the character of the area from family housing to shared housing and reduce the range of family accommodation available in the area. The proposed development is therefore contrary to the provisions of policy H1.2 of the Unitary Development Plan for the City of Manchester

4) The retention of the living accommodation the subject of this application would result in a poor standard of living accommodation for the occupiers of the rooms in that the only natural light is from a glazed door separated from the main converted space of the room by a narrow passage, thus restricting the amount of natural light in the room. The proposed development is therefore contrary to the provisions of policies H2.2 and DC3 of the Unitary Development Plan for the City of Manchester.

Recommendation 095029/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095029/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of these properties would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

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Recommendation 095030/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095030/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of these properties would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

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3) The retention of the development would set a precedent for further such conversions which would further change the character of the area from family housing to shared housing and reduce the range of family accommodation available in the area. The proposed development is therefore contrary to the provisions of policy H1.2 of the Unitary Development Plan for the City of Manchester

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Recommendation 095031/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095031/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of this property would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

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3) The retention of the development would set a precedent for further such conversions which would further change the character of the area from family housing to shared housing and reduce the range of family accommodation available in the area. The proposed development is therefore contrary to the provisions of policy H1.2 of the Unitary Development Plan for the City of Manchester

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Recommendation 095032/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095032/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of these properties would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

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Recommendation 095034/JO/2010/S1

The Head of Planning therefore recommends that the Committee refuse planning application **095034/JO/2010/S1** and authorise the taken of enforcement action under s 187A of the Town and Country Planning Act (As Amended) to secure the discontinuance of the unauthorised use because of the harmful impact of on-street parking on residential and visual amenity and the precedent such a conversion of these properties would set, together with the poor quality of living accommodation being created.

Conditions and/or Reasons:

1) The conversion of the garage into additional living accommodation has resulted in the loss of an off-street parking space resulting in excessive demand for on-street parking in an area with existing parking problems and conflicts between residents and commuters. The development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester

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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: 095028/JO/2010/S1 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 all held by the Planning Division.

Equal Opportunities

There are no equal opportunities implications rising from this report

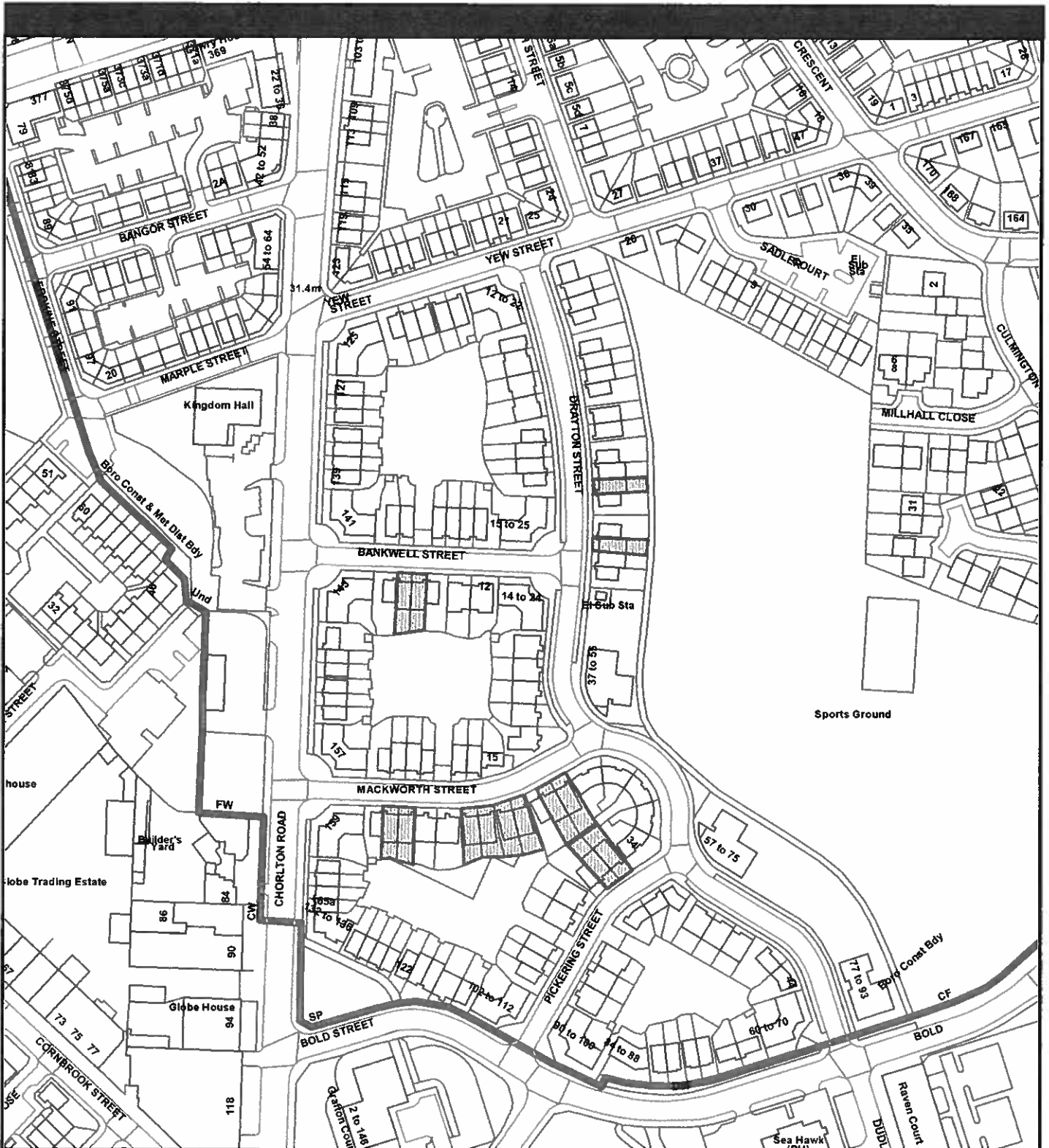
Environmental Improvements

The developments the subject of this report impact upon the local environment and consequently the amenity of residents in the immediate area.

Employment Implications

There are no employment implications arising out of this report.

HEAD OF PLANNING



Subject

Variation of condition No. 6 attached to planning permission 066945/FO/SOUTH1/03 to allow conversion of garage to additional living accommodation.

095028/JO/2010/S1, 25 Drayton Street, Hulme, Manchester, M15 5LL

095029/JO/2010/S1, 15-17 Pickering Street M15 5LQ, 22-24 Mackworth Street, Hulme, Manchester, M15 5LP

095030/JO/2010/S1, 12,14,16,18 Mackworth Street, Hulme, Manchester, M15 5LP

095031/JO/2010/S1, 31 Drayton Street, Hulme, Manchester, M15 5LL

095032/JO/2010/S1, 4-6 Mackworth Street, Hulme, Manchester, M15 5LP

095034/JO/2010/S1, 4 To 6 Bankwell Street, Hulme, Manchester, M15 5LN

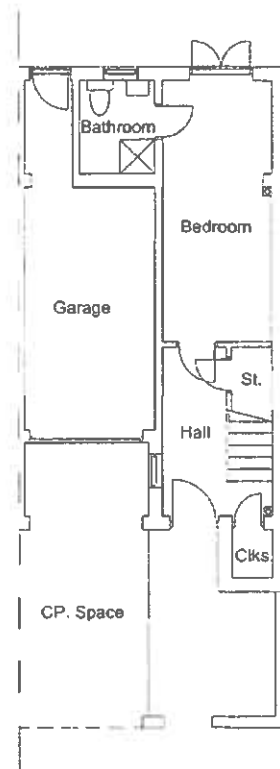




FRONT ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



**ORIGINAL FLOOR
PLANS & ELEVATIONS**

HOWARD & SEDDON A.R.I.B.A.
 CHARTERED ARCHITECTS,
 64 WASHWAY ROAD,
 SALE, CHESHIRE, M33 7RE.
 TEL No 0161-973 8296
 FAX No 0161-962 3485
 e-mail : hsr/bsa@netcomuk.co.uk

JOB PROP. CONVERSION OF EX. GARAGES INTO
 ADDITIONAL DWELLING ACCOMMODATION
 25 DRAYTON ST. HULME, MANCHESTER

DRAWN
 JR.

DRG No.
10037

DATE
 17.12.10

/ 106

CLIENT

SCALE
 1:100

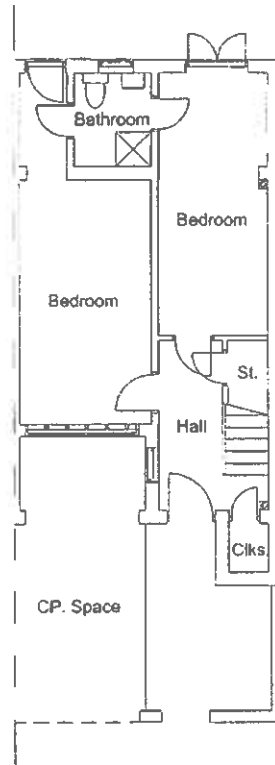
AMENDMENT



FRONT ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



**AS BUILT FLOOR PLANS
& ELEVATIONS**

HOWARD & SEDDON A.R.I.B.A.
 CHARTERED ARCHITECTS,
 64 WASHWAY ROAD,
 SAJE, CHESHIRE. M33 7RE.
 TEL No 0161-973 8296
 FAX No 0161-982 3485
 e-mail hsrba@netcomuk.co.uk

JOB PROP. CONVERSION OF EX. GARAGES INTO
 ADDITIONAL DWELLING ACCOMMODATION
 25 DRAYTON ST, HULME, MANCHESTER

CLIENT

DRAWN JR.
DATE 17.12.10
SCALE 1:100

DRG No.
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AMENDMENT