

Delegated officer report for planning application

Application no.	132888/FH/2022					
Date registered valid:	10 February 2022					
Proposal:	Retrospective application for erection of detached outbuilding/garden room with associated canopy					
Address:	3 Chelmsford Avenue, Manchester, M40 2XB					
Ward(s):	Miles	Platting	&	Newton	Heath	Ward
Applicant:	Mr Rabi K Kansa 3 Chelmsford Avenue, Manchester, Manchester, M40 2XB					
Agent (if any):	Mr Ahmed Choudhry NADA Architects 169 Kingsway, Burnage, Manchester, M19 2ND					
Case officer:	Katie Tel: 0161 234 Email: katie.raw@manchester.gov.uk					Raw 4164
Recommendation:	Approve					
Date of recommendation:	1 April 2022					

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 15 February 2022

Standard consultations:

Printed: 11 February 2022 Expired: 4 March 2022

Neighbour notifications

Printed: 11 February 2022 Expired: 4 March 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:

Tree Preservation Order:

Description of area

The application site relates to 3 Chelmsford Avenue within the Miles Platting and Newton Heath ward of north Manchester. It is a 2 storey, semi-detached, red brick property. The property is located in the corner of the cul-de-sac and benefits from a splayed plot. Within the plot, the property is positioned to the north of the site. Amenity space to the front of the property consists of a double driveway and the side and rear consists of further amenity space.

Description of development

The submitted application is for the retrospective application for the erection of a detached outbuilding/garden room with associated canopy. The application has been submitted as an informal complaint was raised to the Enforcement Team.

The outbuilding is positioned in the southern corner of the plot and is accessible by 3 steps to reach the garden and a further 3 steps to gain entry into the outbuilding. The outbuilding has approximate dimensions (at the largest point) of Height: 2.97 x Length: 6.3 x Width: 9.1 metres and the canopy has approximate dimensions of Height: 2.63 x Length: 2.78 x Width: 2.3 metres.

The outbuilding includes the insertion of a small window and set of patio doors within the front elevation and a window within the western side elevation. The outbuilding creates a storage room, a W/C and a lounge. The outbuilding is positioned 5 metres from the side elevation of the house.

Planning history

No planning history exists for this site.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received during the formal consultation.

Environmental Health

Environmental Health were consulted but had no comments to make.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 9: Promoting sustainable transport - States that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.
- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1(Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;

e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

ISSUES

Principle of development

The proposed development is for the retrospective application for the erection of a detached outbuilding/garden room with associated canopy. This is considered acceptable in principle as many people prefer to alter homes and erect outbuildings rather than move, in order to meet the changing residential needs of families. Consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Residential/ Visual Amenity

The outbuilding was visible from the streetscene as a result of being raised, but since it is set back from the primary building line, it does not produce an overdominant feature within Chelmsford Avenue.

Due to the positioning of the outbuilding within the corner of the rear and side amenity space, no.10 and no.12 Kennington Avenue and no. 5 Chelmsford Avenue are the properties to be most affected by this proposal. Since the neighbouring properties' rear garden boundaries intersecting with the outbuilding are far from the respective properties, any visual amenity impacts would be limited.

The outbuilding would not give rise to any loss of light or overshadowing implications. The insertion of a window and set of patio doors within the front elevation and a window within the side elevation would not give rise to any overlooking implications, as most of the views from these windows would look into the applicant's garden. Due to the height of the window within

the side elevation facing onto 5 Chelmsford Avenue, there would be limited overlooking. A condition shall be attached to any approval granted restricting the further insertion of windows or doors beyond those approved by this consent.

The canopy again felt prominent within the amenity space due to its raised position but would not produce any adverse visual or residential amenity implications.

Design and Appearance

Whilst the materials used in the outbuilding are not made of natural materials and the windows do not match those used within the host property, the outbuilding is typical of a shed type structure found in many gardens in the area. The use of the wooden timber for the canopy is typical of canopies within local gardens, although the roof material offers a more contemporary feel. A materials condition will be attached to any approval granted to ensure the materials listed are used.

Despite the outbuilding and the canopy feeling large within the amenity space, the property still benefits from a substantial amount of amenity space, including the lawn to the rear of the property. It is envisaged that once the rest of the amenity space is complete, the space would feel larger.

It is also acknowledged that a similar outbuilding could be constructed under the route of Permitted Development. The proposal would seem to satisfy the Permitted Development criteria apart from the height which would be too large and it is unknown whether the raised walkway to the entrance of the outbuilding was constructed for the outbuilding. With this in mind, the extension cannot be considered to be unacceptable in its design and appearance.

Car parking

Off-street car parking would be unaffected by this proposal.

Bin storage

At the time of the site visit, bins were stored close to the gate leading into the main amenity space and so would be unaffected by this proposal.

Conclusion

On balance given the outbuildings that can be achieved through the route of Permitted Development and the amenity space to be retained as a result of the application, the application is said to be appropriate in its appearance. It does not create any significant impact in terms of visual or residential amenity.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance the local planning authority had no issues to raise with the applicant/agent but have attached appropriate conditions to the approval.

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 documents and drawings:

-Householder Application for Planning Permission for works or extension to a dwelling, stamped as received by the City Council, as Local Planning Authority, on 10 February 2022.

-Drawing- Proposed- Plans, numbered 001, stamped as received by the City Council, as Local Planning Authority, on 10 February 2022.

-Drawing- Location Plan, stamped as received by the City Council, as Local Planning Authority, on 10 February 2022.

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

3) The materials to be used on the external surfaces of the extension hereby permitted shall be implemented in accordance with the approved details as set out in the documents and drawings specified in Condition 2 of this approval.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of

Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

4) The detached outbuilding hereby approved shall only be used as ancillary accommodation in connection with the existing residential property 3 Chelmsford Avenue and for no other purpose.

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

Appendix 1 – List of consultees & neighbours notified

Environmental Health

6 Kennington Avenue, Manchester, M40 2XA
7 Surbiton Road, Manchester, M40 2XD
6 Chelmsford Avenue, Manchester, M40 2XB
7 Chelmsford Avenue, Manchester, M40 2XB
4 Kennington Avenue, Manchester, M40 2XA
5 Surbiton Road, Manchester, M40 2XD
8 Chelmsford Avenue, Manchester, M40 2XB
4 Chelmsford Avenue, Manchester, M40 2XB
2 Chelmsford Avenue, Manchester, M40 2XB
5 Chelmsford Avenue, Manchester, M40 2XB
1 Chelmsford Avenue, Manchester, M40 2XB
8 Kennington Avenue, Manchester, M40 2XA
2 Kennington Avenue, Manchester, M40 2XA

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1