

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133101/FO/2022

Date registered valid: 11 March 2022

Proposal: Erection of three storey detached dwellinghouse

Address: Land Adjacent To 41 Nancy Street, Manchester, M15 4FZ

Ward(s): Hulme Ward

Applicant: Mr Osman Salim 1 Lund Street , Old Trafford , M16 9EJ

Agent (if any): DK Seddon Howard & Seddon ARIBA 64 Washway Road, Sale, M33 7RE

Case officer: Dave Morris
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Recommendation: Refuse

Date of recommendation: 05.05.2022

Application details

Type of application: Full Application Consent

Development type: Householder

Date of site visit: 1 April 2022

Standard consultations:

Printed: 11 March 2022 Expired: 1 April 2022

Neighbour notifications

Printed: 11 March 2022 Expired: 1 April 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

This application relates to the side garden of an end terraced property. The existing property is a simple modern two storey box with a dual pitch roof and no extensions or outriggers. The property which is at the junction of Nancy Street and Tatton Street has gardens to the front and rear.



The front garden is enclosed by a 1.2 metre high fence and the rear garden by a 1.8 metre high fence. There are three windows in the gable of the property overlooking the site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area. The remainder of the terrace which contains nine properties in total extends to the northwest. Facing the site across Nancy Street are a row of two storey cottage flats of a similar age and with small front gardens. Facing the side elevation of the site across Tatton Street are the front elevations of two storey terraced houses. To the rear separated by a narrow alley are the rear gardens and elevations of a terrace of two storey properties on Manson Avenue.

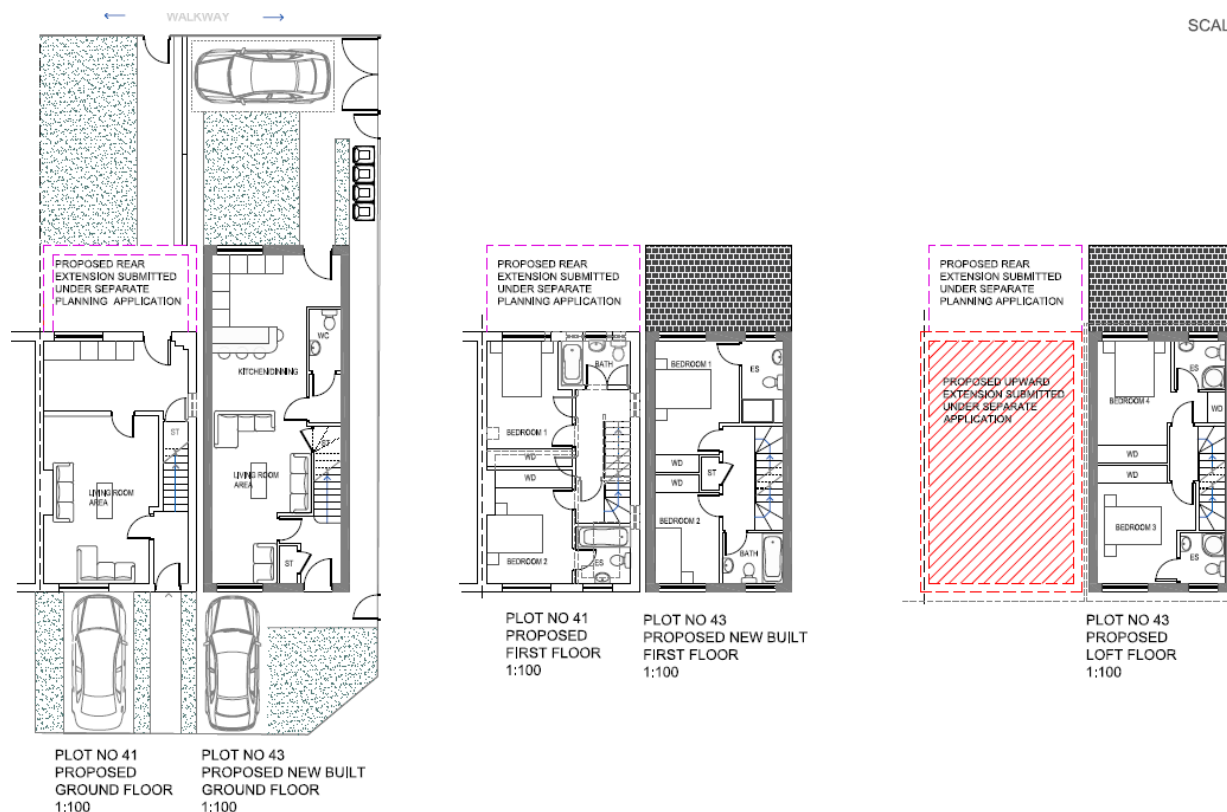
There are single yellow lines on Nancy Street and Tatton Street and double yellow lines around the corner linking the two streets.

Description of development

Consent is sought to erect a detached part three storey part single storey house in the side garden adjacent to the gable of the existing property. The house would be of brick construction with a dual pitch roof the three storey element and a lean to mono pitch on the rear ground floor part of the building. All windows and doors are in the front and rear elevations



The accommodation would comprise on the ground floor an open plan living area a wc and entrance hall, the first floor would comprise two bedrooms, one with an en-suite and a bathroom. The second floor would comprise two en-suite bedrooms. The floor area of the property would be 112 Square metres.



Two parking spaces would be provided, one in the front garden accessed off Nancy Street and one in the rear garden accessed off Tatton Street. Refuse would be stored in the rear garden.

There have recently been two other applications relating to 41 Nancy Street

- Reference 132878/P1AA/2022 for Prior Approval for the enlargement of a dwellinghouse to allow for the construction of one additional storey to create three storeys in total, was refused 25 April 2022 on design grounds, and
- Reference 133100/LP/2022 for a Certificate of Lawful Proposed Development for the erection of single storey rear extension, which was approved 21 April 2022.

Consultations & Notification Responses

Ward Members

Councillor Igbon has objected to the proposed development. The issues raised are summarised below.

- Within Nancy St and Tatton St there are no Three Storey buildings, this will offset the existing accommodation of two storey homes.
- It is a small piece of land but impacts properties at the rear, side and next door.
- It would not add to the area or bring any additional need.
- The residents are objecting by contacting Councillors.

Local residents

One letter has been received from a local resident who shares Councillor Igbon's concerns.

Environmental Health

Have asked for a condition requiring the approval of the refuse storage arrangements. A watching brief needs to be kept for contamination

United Utilities

Have made comments in respect of drainage requirements which have been forwarded to the applicant.

Cadent

Have provided details of their services in the area which have been passed to the applicant.

Highways

-Given that the proposed development is resultant in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

-It is noted that on-street parking is prevalent in this location.

-Regular bus services are routed along Chester Road

-Two parking spaces are proposed for the property. The existing driveway off Tatton Street at the rear of the site is to remain and a second driveway is proposed off Nancy Street at the front of the site. Highways have concern about the proposed driveway on Nancy Street due to its proximity to Nancy Street's junction with Tatton Street. Highways will not accept a driveway that is located within 10m of a junction

-It is recommended that a H-Bar marking be installed across the driveway to reduce any inconsiderate parking.

-EV charging is required, in line with MCC Residential Guidelines

-In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site

-It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

- Designated refuse storage has been accommodated at the rear of the site. The bins will be taken to/from the bin store to the collection point on Tatton Street on collection day. Highways consider this to be acceptable

-A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality.

-It is also requested the applicant provides a dilapidation survey as part of the Construction Management Plan document.

Policy

The relevant Core Strategy policies are SP1, DM1, H1, H5, EN9 and EN16

Policy SP1, Spatial Principles— Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management – This policy 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:-

- Appropriate siting, layout, scale, form, massing, materials and detail.

- 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.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Policy H1, Overall Housing Provision Identifies a shortage of family houses in the south of the City.

Policy H5 Central; Manchester -Seeks to provides residential developments that meet the needs of the area.

Policy EN9 Green Infrastructure - Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure.

Policy EN16 Air quality – says that the Council will seek to improve air quality in the City.

Green Blue Infrastructure

The strategy lays the foundations for the preservation and improvement of green and blue infrastructure within the City. It is considered that gardens form an important part of this infrastructure. The Strategy advised that gardens play an important part in defining the character and attractiveness of an area.

Guide to Development In Manchester

The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development appropriate to Manchester. It seeks to retain the essential distinctiveness of its character areas, whilst not precluding new development.

Issues

Principle

This is a windfall site within a residential area in principle it is therefore considered that a residential development would be appropriate. However, there are other issues which have a bearing on this application.

Site Layout

Ordinarily the position of the proposed dwelling alongside the existing gable with amenity space to the front and rear and incurtilage parking would be considered acceptable, however, in this instance there is a strong building line to Tatton Street formed by the end gables of four terraces of properties, as such the construction of a dwelling in the position proposed would intrude significantly into the street scene. The proposed site layout is therefore considered unacceptable.

Scale

This is an enclave of two storey houses within an area containing larger developments. However, the overarching feel of the area is low rise and this is emphasised by the design of the houses which have very shallow pitches to the roof. Given the prominent position in front of the building line it is considered that the scale of the proposed building is excessive and that it would be out of character with the immediate area.

An application for prior approval to add a second floor to 41 Nancy Street was recently refused.

Design

The application seeks to reflect the design of the adjacent building but in a three storey structure. It is however, considered that the additional floor renders the design of the building out of character with the area and the resultant building would appear incongruous in the street scene.

Parking

Highways have indicated that the parking space off Nancy Street is unacceptable due to its proximity to the junction. However, the Council's current requirement for a development of this type is one space and therefore the Nancy Street space could be deleted from the scheme if consent was to be granted. The Tatton Street space being adequate.

If consent were granted a condition could be added in respect of the provision of an EV charging point.

Cycles

No provision is shown on the approved drawings, however, if consent were to be granted a condition could be added requiring the provision of a cycle store.

Standard of accommodation

The proposed dwelling, which is described in the Design and Access Statement as a three storey, four bed six person house, would have a floor area of 112 square metres. This is marginally below the space standards for such a property, 113 square metres but sufficient for a three storey four bed five person property, 106 square metres.

The standard of accommodation is therefore acceptable for a lesser number of residents. It is therefore considered that the standard of accommodation could not reasonably form a reason for refusing consent.

Refuse

Whilst Environmental protection have requested a condition requiring the approval of a refuse storage scheme, the submitted plans show four bins positioned in the rear garden which would be acceptable.

Blue Green infrastructure

This development would result in the loss of a substantial part of the side garden of the property, the space is however, an enclosed private space and therefore does not benefit the wider area. It is therefore considered that the proposed development would not significantly impact on Blue Green Infrastructure.

Residential Amenity

In terms of privacy the windows in the proposed dwelling would be in the front elevation overlooking Nancy Street and the rear elevation facing down the rear garden. The windows would have no greater impact than those in the adjacent property. On balance therefore it is considered that there would be no privacy or overlooking issues from the proposed development.

In terms of overbearing impact the proposed development could potentially impact on the adjoining property 41 Nancy Street although it is not considered that this would be significant.

Character of the area.

There is a clear and strong building line formed by the gables of the terraces that front Tatton Street, it is considered that the erection of a three storey building that sits wholly beyond the building line would form an over dominant and visually intrusive feature in the street scene. As such the proposal would conflict with Core Strategy policies SP1 and DM1.

Conclusion

It is considered that this is not a development site and any form of structure would have an unacceptable impact on the distinct character of the open area at the side of the property.

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**

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 erection of a three storey dwelling on the end of a terrace of two storey houses, projecting front of the building line to Tatton Street would form an over dominant and incongruous feature that would have a detrimental impact on the character of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

20 Nancy Street, Manchester, M15 4FZ
18 Nancy Street, Manchester, M15 4FZ
16 Manson Avenue, Manchester, M15 4FT
12 Nancy Street, Manchester, M15 4FZ
14 Manson Avenue, Manchester, M15 4FT
12 Tatton Street, Manchester, M15 4EQ
10 Tatton Street, Manchester, M15 4EQ
8 Tatton Street, Manchester, M15 4EQ
6 Tatton Street, Manchester, M15 4EQ
4 Tatton Street, Manchester, M15 4EQ
2 Tatton Street, Manchester, M15 4EQ
39 Nancy Street, Manchester, M15 4FZ
37 Nancy Street, Manchester, M15 4FZ
36 Nancy Street, Manchester, M15 4FZ
34 Nancy Street, Manchester, M15 4FZ
32 Nancy Street, Manchester, M15 4FZ
30 Nancy Street, Manchester, M15 4FZ
28 Nancy Street, Manchester, M15 4FZ
26 Nancy Street, Manchester, M15 4FZ
24 Nancy Street, Manchester, M15 4FZ
22 Nancy Street, Manchester, M15 4FZ
16 Nancy Street, Manchester, M15 4FZ
14 Nancy Street, Manchester, M15 4FZ
10 Nancy Street, Manchester, M15 4FZ
18 Manson Avenue, Manchester, M15 4FT

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH