

Planning**Strategic Development****Delegated officer report for planning application**

Application no. 131680/FH/2021

Date registered: 28 September 2021

Proposal: Erection of a single storey building to form self contained accommodation

Address: 843 Moston Lane, Manchester, M40 5RT

Ward(s): Charlestown Ward

Applicant: Ms Angelina Mancini

Agent (if any): Mr Phil Howard 7 Durham Road Salford M6 8NN

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adammitchell@manchester.gov.uk

Recommendation: Refused

Date of recommendation: 23/11/2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 1 November 2021

Standard consultations: Printed: 28 September 2021 Expired: 19 October 2021

Neighbour notifications: Printed: 28 September 2021 Expired: 19 October 2021

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site

The application site relates to a single storey brick built dwelling house in the Charlestown Ward of North Manchester. The property benefits from a good sized front garden which is hardstanding, with a rear patio and a smaller lowered rear garden. Surrounding area is largely residential in nature however adjacent to the application site to the west is a Day Nursery (Use Class E) and a Public House (Use class *Sui generis*) to the east on the opposite side of the Moston Lane.

Description of Development

The submitted application seeks planning permission for the erection of a single storey outbuilding in the rear garden to form additional living accommodation. The proposed outbuilding would be sited in the southern corner of the rear garden close to the neighbouring boundary with Building Blocks Day Nursery and 440 Victoria Avenue East on the western boundary. The proposed outbuilding would have a depth of 6.6 metres, width of 6.2 metres, a hipped tiled roof with a height of the eaves of 2.2metres and a maximum roof height of 3.2metres approximately.

Planning History

123021/FH/2019- Erection of single storey side extension to form additional living accommodation. **Approved 17.05.2019**

Consultations & Notifications Responses

Local residents were notified however none responded.

Policy

NPPF (2021)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

The NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these are: an economic objective, a social and an environmental objective.

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.

Extant UDP Policies

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.

Policy DC6 - relates to 'backland' development and states that the Council will not normally grant consent for residential development on 'backland' site. That is, sites with limited access to a road because they are surrounded by houses or other uses.

Development will not be permitted unless: there is no loss of privacy to adjoining dwellings; access and parking arrangements do not increase levels of noise and disturbance, the scale and design of development is compatible with the character of the surrounding area, there is sufficient space between adjoining buildings, the proposal does not involve the loss of trees or local habitats, the proposed and existing dwellings retain adequate levels of amenity space and where the built form or surrounding area maintain or enhance the character of an area, particularly within conservation areas.

Local Development Framework Manchester Core Strategy (adopted 11 July 2012)

Policy SP1 identifies 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 including:-

- Creating well designed places that enhance or create character
 - Making a positive contribution to the health, safety and wellbeing of residents
- Protect and enhance the built and natural environment

Policy DM 1 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 and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy EN1- Design Principles and Strategic Character Area. 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.

Issues

Principle of Development

The proposal would see the erection of a single storey building in the rear garden of 843 Moston Lane to form a two bedroom dwelling with associated living accommodation. The proposal would not be considered to be acceptable in principle as it would form independent living accommodation from 843 Moston Lane which would constitute 'backland development' and would not fit with the pattern of development within the area in particular there would be no road frontage. The development would also form an overly large development, removing rear garden spaces, which would fail to respond positively to the character and appearance of the surrounding area.

Scale, Massing and Design

The proposed outbuilding would be 3.2 metres high, and would be 6.2 metres wide with a depth of 6.6 metres. The footprint of the proposed outbuilding would occupy a significant proportion of the applicant's rear garden leaving little available amenity space. Due to the scale, bulk, massing and height it is considered that the proposed outbuilding would create a built form which would be out of character with the local area and pattern of development which would be contrary to policy DM1.

Furthermore, due to the siting and height of the building, and the existing relationship with properties along Victoria Avenue East it would be visible from the rear gardens of

the neighbouring properties. The structure would form an overly dominant and visually obtrusive feature that would be incongruous with the character of the area in general.

Whilst the principle of erecting a detached outbuilding to the rear garden is considered to be acceptable, this proposal would form separate living accommodation in an overly large and bulky structure that would result in an unduly harmful impact of the visual amenity and character of the area.

Residential Amenity

The detached outbuilding has a maximum height of 3.2 metres however it is sited in the southern corner of the rear garden, so it is not considered that this would contribute to any overshadowing impacts to neighbouring properties. Nevertheless, given the height and footprint of the proposed structure it is considered to be overly dominant and bulky and therefore have an overbearing appearance to the neighbouring properties, particularly no. 440 Victoria Avenue East.

As the proposal would form independent living accommodation separate to the main residential dwelling this would generate increased levels of activity, noise and disturbance and loss of privacy which would have an unduly harmful impact on surrounding residential amenity.

Conclusion

For these reasons, it is considered that the extensions would have an unacceptable appearance as the proposed building would create an inappropriate form of development out of keeping with the character and pattern of development in the local area and therefore contrary to policies DM1 and SP1 of the Core Strategy and saved policies DC1.1, DC1.2, DC1.3 of the UDP.

A similar appeal was recently dismissed for a similar development (ref. **APP/B4215/D/20/3244704**) with the Planning Inspector stating '*Saved Policy DC6 of the Unitary Development Plan for the City of Manchester notes that residential development on backland sites will not be permitted unless the scale and design of the development is compatible with the character of buildings in the surrounding area.*'

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: Refusal

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) Having regard to the relationship of the proposed development within the surrounding area together with its siting, scale and appearance the proposed development, would constitute an inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. The proposal would also remove amenity space associated with 843 Moston Lane. The proposal would therefore have an unduly harmful impact on the visual and residential amenity of the surrounding area including 843 Moston Lane which is contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy and saved policy DC1 of the Unitary Development Plan for the City of Manchester.
- 2) The proposed development by reason of its location to the rear of an existing dwellinghouse and without its own road frontage constitutes 'backland' development. Due to the siting of the proposed building and its relationship with adjoining properties there would be a loss of amenity to neighbouring occupiers as consequence of increased levels of activity, associated noise and disturbance, intrusiveness and loss of privacy. The proposal would therefore be harmful to surrounding residential amenity. As such, the proposed development is contrary to saved policies DC6.1, DC6.2 and DC1.1 of the Unitary Development Plan for the City of Manchester and policies DM1, EN1 and SP1 of the Manchester Core Strategy.

Appendix 1 List of consultees & neighbours notified

438 Victoria Avenue East Manchester M40 5SH

440 Victoria Avenue East Manchester M40 5SH

845 Moston Lane Manchester M40 5RT

632 Moston Lane Manchester M40 5RZ

630 Moston Lane Manchester M40 5RZ

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_HIGH_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Area Team Boundary - Name: NORTH1