

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131532/FH/2021

Date registered valid: 31 August 2021

Proposal: Retrospective planning application for erection of front boundary wall and fencing and driveway gate.

Address: 11 Mardale Avenue, Manchester, M20 4TU

Ward(s): Didsbury East Ward

Applicant: Imran Anwar 11 Mardale Avenue, Manchester, M20 4TU

Agent (if any): Mr Ahmed Choudhry Nada Architects 169 Kingsway, Manchester, M19 2ND

Case officer: Janet Lawless
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Recommendation: Refuse & Enforce

Date of recommendation: 16.11.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21st October 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 8 September 2021

Expired: 29 September 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

Description of site/building

The property that is the subject of this householder planning application is a traditional, two-storey, semi-detached house with gardens to the front and rear. It is identified as 11 Mardale Avenue and is located within the Didsbury East ward of the City. The property is set at an oblique angle on a corner, and has an existing part single, part two-storey side and rear extension. The front boundary treatment is a low brick wall with established hedge between the pair of semis, and a 1.8m high solid automated gate. (These form part of the application as these are currently unauthorised). There is parking within curtilage in the form of a driveway and a free standing garage.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature with properties of a similar size age and style to the application property. There is resident parking scheme in place. Christie Hospital is also in close proximity to the proposal site.

Description of development

The proposal is for the retention of the 1.8m high electronic steel gates, together with the raising of the boundary wall and erection of a solid timber fence to a total of 1.8m part way along the frontage, where it then returns still at a height of 1.8m at 90 degrees back to the properties front elevation.

Planning History- 128874/FH/2020-Erection of part single part two storey side and part two storey, part single storey rear extension, installation of rear dormer and front porch extension and elevational alterations to provide additional living accommodation

Refused-09.02.2021.

130166/FH/2021-Erection of part single, part two-storey side and part single-storey, part two-storey rear extension, installation of rear dormer, front porch extension and elevational alterations to provide additional living accommodation

Approved- 05.07.2021

Consultations & Notification Responses

Local Residents were informed- 1 letter of objection has been received the main points being as follows:

Due to the prominent position of this property on the corner of Ferndene and Mardale, this gate can be seen by most of the neighbourhood. It is the predominant street feature of Mardale Ave and Ferndene Road. It is a total eyesore, is as big as a street level billboard, is a distraction to drivers and is totally out of character with the neighbourhood. It ruins the visual amenity of the area.

The gate's size and its operation prevent the residents and visitors of 11 Mardale using the driveway, so they park predominantly on the road. This increases the number of parked cars on a tight road junction. It makes it impossible for two vehicles to pass each other, making it hazardous for vehicles and pedestrians using the junction. This has caused several accidents and many more near misses. If the drive was ever used, the gate would obstruct visibility of pedestrians when vehicles are exiting, especially when reversing out.

It breaches planning application 128874/FH/2020 9th Feb '21 which was determined to have "no conditions

which could have been imposed ...to make it acceptable...therefore not possible to approve".

It breaches local and National Policy.

It is in breach of the enforceable (not sterile) restrictive covenants.

Highways-The gate does not appear to provide any visual permeability and therefore is not supported by Highways. The 1.8m wall does not appear to provide any visual permeability and therefore is not supported by Highways. For the avoidance of doubt any boundary treatments with frontage to the adopted highway should allow for visual permeability from a height of 600mm upwards to maintain sight lines for vehicles and pedestrians.

Issues

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues

include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Whilst adequate turning and servicing areas are required, their design should reflect and respect the residential nature of the area'.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application, Section 12 provides design guidance - 'Achieving Well-Designed Places'.

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design

guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan, unless material considerations indicate otherwise.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with development plan policy and associated guidance. There are no material considerations to indicate otherwise.

It is maintained that the retrospective gates and proposed boundary treatment would by reason of its appearance and function, undermine both residential and visual amenity, contrary to policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF). Specific issues are outlined further below.

Visual Amenity

Policies SP1 and DM1 of the Core Strategy, as well as the Guide to Development (SPD) underline the importance attached to protecting the character and appearance of an area and the need to adhere to the Council's design principles. The aims are broadly consistent with the National Planning Policy Framework (NPPF).

The area is predominantly residential in nature being defined by properties of a similar age, design and footprint to the proposal site.

In this case, it is believed that the existing gates and proposed boundary treatments would be out of keeping with the immediate context of the residential neighbourhood.

The enclosure of the driveway and the front garden area by a 1.8 metre high, solid metal electronic gate and wall with fence above to the same height, would result in the creation of a stark, unattractive feature of a utilitarian appearance, which in turn would be visually intrusive to neighbouring residential occupiers.

The aforementioned policy and guidance stipulates that new development should have regard to impact on the surrounding area in terms of the design, scale and appearance of development, as well as the character of the surrounding area.

It is considered that the proposed development fails to deliver any enhancements to the local area resulting in an incongruous feature on this highly visible corner plot, and only serves to undermine the character and appearance of the area by creating an unattractive and visually incongruous feature, harmful to the visual outlook of the neighbouring residential properties that border the site and the appearance of the street-scene in general. On this basis, the proposed development is considered to have a detrimental impact upon the visual amenity of the neighbouring properties, contrary to policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF)

Residential Amenity

Policy DM1 of the Core Strategy states that regard should be had to the amenity of residents in considering development proposals.

Policy SP1 similarly seeks to protect amenity and the well-being of residents, as well as supporting neighbourhoods of choice.

Whilst it is acknowledged that properties within the vicinity of the site have formed means of enclosures around their driveways and garden areas, none of them are of the height or solidity of the existing gates and proposed fence at number 11 Mardale Avenue.

The resultant boundary with the property at number 7 Ferndene Road would give a feeling of being hemmed in where if the boundary was to be at a height that you would expect to see on a domestic property frontage, would whilst still providing a secure boundary, also retain an open feel to the site. It is therefore considered that the proposal would have a detrimental impact upon the residential amenity currently enjoyed by the neighbouring properties, contrary to policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF)

Highway Safety

Concerns have been raised by Highways officers as the gate does not provide any visual permeability and therefore is not supported by Highways. The same is said of the proposed 1.8m front boundary treatment. For the avoidance of doubt any boundary treatments with frontage to the adopted highway should allow for visual permeability from a height of 600mm upwards to maintain sight lines for vehicles and pedestrians.

Local residents have also raised concerns in that due to the lack of pedestrian and vehicular visibility and sight lines when accessing or egressing the site the driveway is used infrequently with vehicles parking on the highway instead. This was the case upon visiting the site. This only leads to exacerbate the existing parking issues and has a detrimental impact upon pedestrian and highway safety within the vicinity of the property.

Mardale Avenue and other roads within the vicinity of the site are subject to a resident parking scheme, as historically there have been issues with parking in the area due to the location in close proximity to the Christie Hospital.

Character of the area

The area is predominantly residential in nature. The boundary treatments that are evident within the vicinity of the site comprise of either low level walls with railings or timber fencing / railings these are primarily 1 metre in height except where the boundaries comprise of vegetation with some being greater than that. However vegetation is not covered by policy. They are boundaries of a type that relate to the domestic scale of the properties, whereas the proposed gates and boundary treatment are more of a scale that would be found in agricultural / industrial surroundings. It is therefore considered that the proposal has a detrimental impact upon the character of the area within which it is located.

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 & Enforce

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused.

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

1) The retained 1.8m high gates together with the 1.8m high front boundary treatment would create an unattractive environment that would fail to enhance to the residential character and appearance of the area, to the detriment of visual amenity. The proposed development is therefore contrary to policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

2) Due to the lack of visual permeability of both the retained gates and proposed front boundary treatment it is considered that the proposal would have a detrimental impact upon the levels of both pedestrian and vehicular highway safety within the vicinity of the site. As such, the proposed development is contrary to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

9 Mardale Avenue, Manchester, M20 4TU
14 Mardale Avenue, Manchester, M20 4TU
7 Ferndene Road, Manchester, M20 4TN
16 Mardale Avenue, Manchester, M20 4TU
9 Ferndene Road, Manchester, M20 4TN

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH