

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131978/FH/2021
Date registered valid: 20 October 2021
Proposal: Erection of single storey outbuilding in the rear garden for study room, gym with shower
Address: 26 Heaton Road, Manchester, M20 4PX
Ward(s): Withington Ward

Applicant: Ms Jiangmei Ou, 26 Heaton Road, Manchester, M20 4PX
Agent (if any): Mr Amjad Tahir, Aey's Associates UK Ltd, 173 Dickenson Road, Manchester, M13 0YN
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 13 December 2021



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 1 September 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 22 October 2021 Expired: 12 November 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 application site concerns a section of garden in the north-western corner at the rear of a detached residential dwelling. The garden is bounded by a brick wall with timber lath fencing on top and the land overgrown with small trees and shrubs. A detached timber shed / outbuilding is located in the south-western corner.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

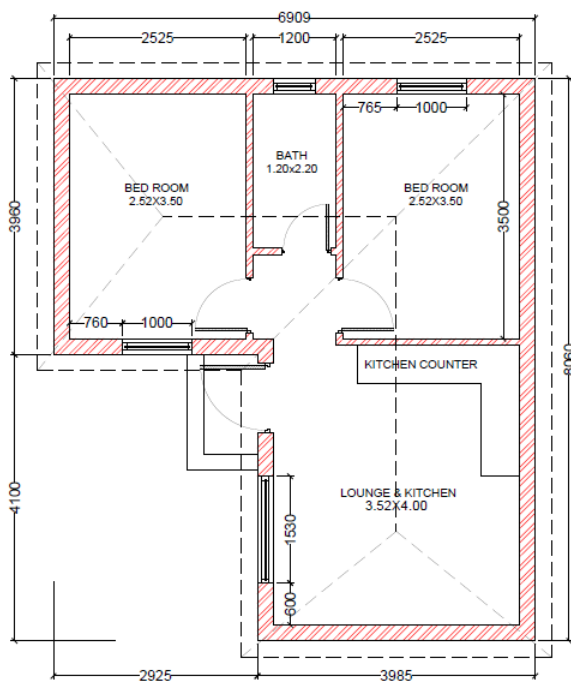
The site is within a mature residential area mainly characterised by Victorian semi's to the east and south and by modern infill development including 3no. townhouses at Tallarn Close to the north and modern semi's on Swinbourne Grove along the rear boundary. There are also some modern purpose-built flats to the north and west.

Description of development

Erection of single storey outbuilding in the rear garden for study room, gym with shower.

The application is a re-submission of withdrawn application 131013/FH/2021 which the Council advised would not be supported on the grounds that the extent of development, including its height to 3.5 metres and proximity to the boundaries with Nos.1 and 3 Tallarn Close and Nos.25 and 27 Swinbourne Grove, represented an intrusive form of development at the rear garden boundaries of these properties, which would be detrimental to residential amenity.

The present application has reduced the height to 3-metres and has removed a rear section of the outbuilding off the boundary with gardens on Swinbourne Grove.



Planning History

In addition to the withdrawn application, the planning register contains one entry for an L-shaped single storey rear outbuilding (see floorplan to left) which was refused planning consent in February 2021 (129151/FH/2021) on the following grounds:

- 1) Having regard to the relationship of the proposed development with the surrounding properties in the area and its extent, height and location, the proposed development, would constitute an isolated and inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. The proposal is therefore contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC1 of the Unitary Development Plan for the City of Manchester.
- 2) The development, by reason of its height, depth and position close to the rear boundary of properties on Tallarn Close, would represent an over-dominant and overbearing structure that would have a negative impact on the residential amenity of occupiers of neighbouring properties. Therefore, the outbuilding is contrary to saved policies DC1.1, DC1.2 of the UDP and policies DM1 and SP1 of the Core Strategy.

The refused application had an L-shaped footprint with a height of 4 metres and was laid out with the intention of providing living accommodation which could function independently of No.26, although consent was not refused on these grounds.

Consultations & Notification Responses

A total of 11no. neighbours were notified of the proposal on Tallarn Close, Swinbourne Grove, Heaton Road and Parsonage Road. One comment was received which sought further information on the overhang and drainage details. The Council provided the available information to the resident who responded with the objection below:

I reference part of the 'Core Strategy Development Plan' and Policy 6 in the extant UDP.

My objections specifically include the following:

- Over-development of a garden site, that is out of character with neighbouring gardens and contributes to a loss of green space in a predominantly urban landscape. The current owners erected a large 'workshop' post 2017, and the proposed development tips the balance into 'over-development' of the site. The footprint of the development is large in overall size and in height and particularly negatively impacts two adjoining neighbours due to the position close to the shared boundary. The appearance of the development is in contrast to the neighbourhood – that is, it is not a neighbourhood containing large additional dwellings within gardens, purely for personal use.
- Negative visual impact on my south facing garden with the erection close to the shared boundary of a brick wall comprising the side of the proposed brick outbuilding and the slope of the roof. This will result in loss of sunlight and shading to about a quarter of the end of my garden, where I grow fruit – raspberries, redcurrants and blackberries and other sun loving plants particularly as the ground level on the proposed site is slightly higher than in my garden. The over-dominance of the brick building will be detrimental to me and covers over half of length of the bottom of my garden and about one third of my neighbour's garden. The side brick wall is less than one metre from the shared boundary and the gutter, overhang from the roof, downpipe and drain are necessarily closer to the boundary, and the adjoining gardens.
- Negative impact on landscape and ecological habitats - In contrast with that written in Section 6 (Trees and Hedges) of the application – there are trees within falling distance on the proposed site – one, relatively newly planted – and mature trees that also would need to be removed and others substantially pruned in the site garden.

Additionally, there is a hedge of mature privet, running the length of the bottom of the garden, in a garden adjoining the site. This also provides a valuable 'screen' between my neighbours, the house owner of the site and myself. I have a Chilean potato vine adjoining the site on the trellis in my garden, plus an acer and rowan. Depending on the extent of the root systems the above trees, shrubs and hedge in the two adjoining gardens, may be damaged by foundations.

- Loss of biodiversity and diminution of part of a network of 'urban green' (the collective resource of private gardens et al) with the removal of trees and shrubs in the existing mature garden of the site. Additionally, the mature privet hedge in the adjoining neighbour's garden is a habitat for numerous sparrows, blue tits, blackbird and greenfinch. The loss of green space would likely affect foxes that regularly visit the gardens. Any loss of birds would have a negative impact beyond the immediate site and would affect the enjoyment for neighbours of seeing and hearing the birds, particularly at a time when most neighbours are working from home. In the 'Core Strategy Development Plan', there is recognition of the 'finely grained' value of green infrastructure in terms of its role in wellbeing and providing linkages between local habitats. Implicit within this is the recognition of the importance of stewardship of natural landscapes (irrespective of size or type of ownership).

- Disturbance to adjoining neighbours - development close to the boundary with two neighbours. My deeds state that the walls and fences dividing the property and adjoining houses are party.
- Noise and disturbance from building work during construction that will affect three adjoining neighbours (two alongside and one opposite).
- Lack of alignment with the 'Core Strategy Development Plan' for adaption to and mitigation of the increasing effects of climate change. For example, the erection of a brick building in a garden facilitates a small addition to the 'heat island' effect. (Aside from the obvious carbon embodiment in the erection and use of a new additional building). More significantly, there is common recognition that climate change will exacerbate excessive rainfall and flooding. There is the potential for increase in water run-off from hard surfaces of the development by removing a large area of natural drainage in the site garden. Removal of trees and shrubs negates the role of natural carbon sequestration.
- Additional burden on existing infrastructure in provision of water to the outbuilding.
- Future considerations - the loss of a large garden for future owners to enjoy. The difficulty of Council enforcement regarding future use of the additional dwelling with change of ownership – the potential for it to be converted to separate, self-contained living accommodation or landlord development of a large student let (in combination with the main house).

Issues

The application is subject to assessment under the following planning policies:

UDP – Saved policy DC1
Core Strategy policies SP1 and DM1

For comparison, consideration is also given to the principle of the development against the criteria set out in current Permitted Development regulations for an outbuilding.

The Town and Country Planning (General Permitted Development) (England) Order 2015
Schedule 2, Part 1, Class E

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—

- (i) 4 metres in the case of a building with a dual-pitched roof,
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

Principle

The principle of erecting an outbuilding for a home gym / study is acceptable within the above planning policy framework of the Local Development Plan. However, the application as re-submitted raises concerns about the cumulative impact of the proposal in relation to the existing outbuilding and the impacts on residential amenity.

Residential amenity

The proposal seeks an extension to an existing outbuilding that would be sited alongside it and would span the width of the rear garden boundary.

The height of the amended proposal has been reduced to 3.5 metres to the apex of a dual-pitched roof and the combined length amounts to 11.3 metres; the proposed extension having a length of 6.8 metres.

The rear elevation would have a variable gap to the boundary with No.25 Swinbourne Grove between 1.1 metres at its closest and 2.1 metres at its furthest point. At a height of 3.5 metres and given that the rear garden at No.25 has a shallow depth of 9.5 metres, the impact of the outbuilding running the width of No.25's rear garden would be oppressive.

The applicants' fallback position is to erect an outbuilding under the terms of Class E above which would have to be pulled in off all boundaries or reduced in height by 1 metre. The agent was advised of this option in August 2021 but has not opted for this route.

An objection has also come from the occupier at No.3 Tallarn Close to the north. The side of the outbuilding which is 4 metres wide would be visible over the fence of this property which has a rear garden that is 6.75 metres wide. However, the rear garden here is 16.3 metres in length and, whilst the points concerning overshadowing of garden plants is noted, there would be no impact on the dwelling itself in terms of the development appearing oppressive, overbearing or overshadowing this property.

Other areas of concern raised by the objector are non-material considerations.

Visual amenity

The proposal is for a brick and tile structure adjoining a timber structure with matching roof profiles. Although the materials are not matching, the outbuilding would have no visibility in the street scene.

It is of a simple rectangular footprint with a dual-pitched roof and door and window to the front elevation, and a shower room window to the rear. There are no concerns with regards to the visual aspect of the proposal.

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 local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons as outlined in the delegated report. Pre-application advice was given following withdrawal of a previous application. However, the guidance was not followed through in the present application. The application received objections on notification; these and the Council's concerns were raised with the agent 4 weeks prior to the decision being issued; no response was received.

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

The proposed outbuilding, by reason of its height, length along the rear boundary of No.25 Swinbourne Road and proximity to this and other neighbouring boundaries, would be perceived as an oppressive form of development that would be detrimental to residential amenity, contrary to saved UDP policy DC1 and to Core Strategy policies DM1 and SP1.

Appendix 1 – List of consultees & neighbours notified

Flat 4, 17 Heaton Road, Manchester, M20 4PX
Flat 3, 17 Heaton Road, Manchester, M20 4PX
Flat 2, 17 Heaton Road, Manchester, M20 4PX
Flat 1, 17 Heaton Road, Manchester, M20 4PX
25 Swinbourne Grove, Manchester, M20 4PP
3 Tallarn Close, Manchester, M20 4PJ
27 Parsonage Road, Manchester, M20 4PW
24 Heaton Road, Manchester, M20 4PX
27 Swinbourne Grove, Manchester, M20 4PP
25 Parsonage Road, Manchester, M20 4PW
1 Tallarn Close, Manchester, M20 4PJ

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
Area Team Boundary - Name: SOUTH