

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130786/FH/2021

Date registered valid: 17 June 2021

Proposal: Retention of outbuilding in rear garden with associated works

Address: 30 Saddlewood Avenue, Manchester, M19 1QN

Ward(s): Didsbury East Ward

Applicant: Mrs Jothsna Petrillo, 30 Saddlewood Avenue, Manchester, M19 1QN

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12.08.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 11.08.2021

Standard consultations:

Printed: 28 June 2021 Expired: 19 July 2021

Neighbour notifications

Printed: 28 June 2021 Expired: 19 July 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application property is a recently extended semi detached red brick and white rendered residential property. The part single part two storey side extension is set back from the front face of the property. There is a front private amenity area predominantly of hardstanding and a rear garden with its rear boundary to railway land beyond. It was noted that the garden of the property to the immediate north was set lower than the application properties garden and may be the result of historic works to that property. A small metal shed is located on the boundary in the neighbouring garden. The surrounding area is predominantly residential although there is a mainline railway to the west and the Barlow School beyond and the Kingsway arterial route to the east. There is a cluster of more commercial properties towards the north and east on the junction between School Lane and Kingsway.



Front view from Saddlewood Avenue with outbuilding visible to the rear

The proposals relate to the retention of the almost completed outbuilding which by virtue of its height requires planning permission. The outbuilding is to provide ancillary space for the occupiers of the residential property and has been constructed of a red smooth faced brick with grey/black upvc patio doors and windows that face into the garden. The outbuilding is 9.3m in length has a height to eaves of 2.4m and a depth of 3.1 m and an overall height of 3.3m.

The application has been submitted following initial investigation by the Council's enforcement team into a breach of planning control. The application is to regularise the unauthorised development undertaken.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals an objection was received from a neighbouring property a summary of the comments made is set out below.

In addition to this work, a further 'unplanned for' building was erected at the same time. It was done during lockdown 2020 at a time when we were unable to visit our property regularly as we normally would. In our absence, the owners of 30 Saddlewood Avenue removed the fencing adjoining our garden, dug up the concrete posts and built this oversized structure actually on the boundary with no mention of it on the original plans. This retrospective application states that there would be no encroachment onto neighbouring property, which there is. The guttering hangs over our land and its foundations have been laid under our garden so that we now have drainage issues and this area has been rendered unusable.

The 2.4m high solid red brick wall runs along the full 9.3m boundary of our garden and its roof rises to 3.3m within 1.5m of the boundary. Our garden is also lower so that the wall stands 2.7m and the roof 3.6m high from our side and this has not been considered.

The result is an overbearing extreme tunnelling effect. Combined with the double story side and rear extensions, it now takes out almost all sunlight from this south-facing side of our garden. It casts an over-developed shadow, looks like an Industrial Estate rather than residential and is an intrusive eyesore on our landscape. The chosen positioning of the rear wall towering above us at such close proximity has a hugely negative impact, ruining the amenity of our garden.

Network Rail - Raise no objection to the structure.

Issues

Policy

Relevant policy to this application is contained in the NPPF (2021) and Core Strategy policies DM1 and SP1 and saved UDP policy DC1.

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Core Strategy policy DM1 indicates 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.

Core Strategy policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

Unitary Development Plan

Policy DC1 of the Unitary Development Plan seeks to accommodate the demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. It relates specifically to residential extensions and the relevant criteria from this policy include:

DC1.1 The Council will have regard to:

- a. The general character of the property
- b. The effect upon the amenity of neighbouring occupiers
- c. The overall appearance of the proposal in the street scene;
- d. The effect of the loss of any on-site car-parking

Policy DC1.2 states extensions will be allowed subject to:

- 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 the original buildings)
- b. They do not create a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. They would not result in the loss of off-street parking

Issues

The principle of householders undertaking building works to erect outbuildings is generally acceptable subject to further consideration of the impacts of proposals on residential and visual amenity, and the character of the area.

In this instance permitted development rights exist for the construction of outbuildings given the location of the outbuilding this is limited to 2.5 metres in height in total. Therefore, planning permission is required for the outbuilding.

Residential Amenity - The proposals are located to the rear garden along the northern boundary with the neighbouring property. Given the orientation it is acknowledged that there would be some overshadowing of the garden area. However, an outbuilding could be constructed to 2.5 metres in height without requiring planning permission given this fall back position and that the

structure is single storey these impacts are not considered to be so significant as to warrant refusal of the proposals even taking into account the differences in ground level within the neighbouring properties garden.

There are no windows on the boundary wall element of the outbuilding and given the building is of brick construction it is not considered that the building or the use of it would give rise to unacceptable impacts on the residential amenity of the property to the north.

Whilst there are windows and doors facing into the garden area on the southern elevation of the outbuilding these would not give rise to unacceptable impacts on the neighbours to the south, the presence of boundary fences and vegetation also assist in reducing any impacts in terms of privacy or overlooking.

The positioning of the outbuilding alongside the boundary with the neighbouring property is not considered to give rise to unacceptable impacts on the neighbouring property.

Character of the Area - The outbuilding to be retained is considered to be a logical response to the properties layout and siting. There are other similar structures within the vicinity of the application property. Given the location the proposals there are limited public viewing points from the street. The outbuilding has been constructed using traditional materials and it is not considered that the proposal would give rise to unacceptable impacts on the character of the area.

Drainage- Concerns have been raised with regards to the impacts of drainage on the neighbouring garden. The property is located in flood zone 1, the lowest probability of flooding and there is therefore no requirement for a flood risk assessment to accompany this type of application. It was noted that the outbuilding has guttering on either pitch to assist in ensuring rain water is appropriately collected and discharged, the submitted drawing indicates a drainage line from the outbuilding. It is noted that the neighbouring garden is set lower than the application property and this appears to be a historic position and this may have led to issues referenced by the objector. In addition historic aerial views of the property indicate a substantial area of hardstanding which is of a similar footprint to the application building. Given the above it is not considered that matters relating to drainage would be so significant as to warrant refusal of the proposals.



Other matters- The bin storage and car parking requirements for the property are unaffected by the application, the front driveway would be retained and a gap has been retained to the side of the property from the previously approved extension and allows bins to be stored to the rear of the property and brought forward to Saddlewood Avenue for collection.

The objection submitted raises concerns with regards to trespass of the undertaken works. The applicant has indicated on the forms and drawings that the works are contained within the curtilage of the application property and within their ownership. Planning legislation does not replicate or override civil law, and the matters raised would need to be determined via the appropriate legal route outside of the planning system. As set out within this report it is considered in this instance that the proposals are acceptable with respect of the planning balance required to be undertaken as part of the assessment of the proposals.

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 application has been determined in a positive and proactive manner. Whilst an objection to the development has been received, the proposals are considered to be acceptable and a decision has been issued within statutory deadlines.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing 3005/021 received by the City Council as local planning authority on the 17th June 2021

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

2) The outbuilding as shown on the approved drawing 3005/021 as received by the City Council as Local Planning Authority, on the 17th June 2021 shall not be occupied at any time

other than for purposes ancillary to the residential use of the dwelling known as 30 Saddlewood Avenue, M19 1QN.

Reason: To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Network Rail

29 Saddlewood Avenue, Manchester, M19 1QW
28 Saddlewood Avenue, Manchester, M19 1QN
25 Saddlewood Avenue, Manchester, M19 1QW
27 Saddlewood Avenue, Manchester, M19 1QW
32 Saddlewood Avenue, Manchester, M19 1QN

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