

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132099/FH/2021
Date registered valid:	1 November 2021
Proposal:	Erection of 2.4 metre high timber fencing, 2.5 metre high timber pergola and installation of raised decking to rear garden area
Address:	5 Moorland Road, Manchester, M20 6BB
Ward(s):	Didsbury East Ward
Applicant:	Edmund Pigot Sophie Hammond, 5 Moorland Road, Manchester, M20 6BB
Agent (if any):	Mr Harry Jackson, Harry Jackson Surveyors Ltd, Unit 4A Farnworth Park Industrial Estate, Wellington Street, Farnworth, BL4 7BY
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	6 January 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21st December 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 November 2021 Expired: 26 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 property that is the subject of this householder application is a brick built villa style semi-detached dwellinghouse. It is bay fronted and has off road parking to the frontage. It is identified as 5 Moorland Road which is a private road with bollards at the end. The property has garden to the front and rear. The boundary is open to the frontage, with a brick wall between the common boundary with number 3 Moorland Road. The rear boundaries comprise of the continuation of the brick wall with a 1.8 metre (approx) high brick wall along the rear boundary, and then this becomes a high thick Holly hedge between the common boundaries of number 5 and number 7 Moorland Road.

The works have been partially completed within the rear garden, which consists of raised planters and decked areas.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the area comprise of properties of a similar age, style and footprint. To the south west of the property lies Wilmslow Road which is a district centre that houses commercial, retail, public houses and eateries.

Description of development

The application is to regularise the works already implemented, and install works to complete the project. The works were brought to the attention of the local planning authorities compliance team, and the pre application advice was that the works should cease and that a retrospective planning application should be submitted for assessment against both national and local policy. This process has been followed up by the submission of this planning application.

The existing works carried out comprise of decking to a maximum of 34cm above ground level. Raised planters to a maximum height of 90 cm. There is a change in levels as you come out of the rear of the property whereby the garden is accessed down decking steps, these are 3 in number and are 17cm each being 51cm in total. The steps are flanked either side by 90cm high planters. The existing slatted fence is to be replaced by a solid timber fence to a maximum height of 2.4 metres along the boundary with number 7 Moorland Road. and to a height of 2.05 metres along the boundary with number 3 Moorland Road.

The proposed pergola would be located at the end of the garden on the decked area and would be a maximum height of 1.7m giving a total of 2.5 m from the ground floor level. This is proposed as a covered seating area.

Planning History.

A previous application 129137/LP/2021 for the Certificate of lawful proposed development for the erection of single storey side extension and provision of additional Velux rooflights on front and rear elevation was granted consent on the 12th March 2021.

Consultations & Notification Responses

Local residents were consulted and two representations have been received, one from an existing resident and one from a future resident. The main points of concern being as follows:

The decking should be reduced to ground level so that the fence would not need to be so high.

It is considered that the heightened decking at the boundary of 3/5 Moorland Road leads to overlooking and loss of privacy. Ideally, the decking should be at ground level to negate this. We are, however, cognisant that this has already been erected and that lowering it will incur cost and inconvenience to our neighbours-to-be.

If the decking is to remain, we would need the boundary wall to be heightened to maintain privacy in our garden, even though this will be at the expense of overshadowing.

We would not wish for this amendment to the boundary (necessitated by the raised decking) to be unattractive and out of keeping with the existing boundaries.

We believe that if the decking were to be approved at the current level, that approval should be conditioned to require that

The boundary wall should be increased in height to 1.8m (approx.) taller than the measured height of the decking

The material used would be matched brick

The coping stones should be retained and replaced on top of the new wall.

Issues

POLICIES

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (February 2019) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

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

The following policies are relevant to the proposed development:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- o Saved Policy DC1 for Residential Extensions is still considered of relevance.

4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following sections are of particular relevance:

- i. Section 2 Design.
 - o Paragraph 2.14 goes on to say: it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.
 - o Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.
 - o Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area

should be retained. Well-designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of development

The principle of the proposal to create multi use amenity space is considered acceptable. Much of the works to be regularised or introduced are only marginally above that which is possible under the Permitted Development Rights of the householder. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity currently enjoyed by the neighbouring properties and the impact upon the character of the property itself and the area within which it is located.

Residential and visual amenity

The works proposed are all located within the rear garden area of the applicants own garden area, and are not readily viewed from within the street scene. Under PD rights the rear boundary treatments could be up to a maximum of 2 metres. At 2.4 metres, the fence is 40 cm above what would be permitted under the Permitted Development rights along the boundary with number 7 Moorland Road, However the existing established Holly hedge would be retained behind the fencing. The fence would be 2.05m in height on the boundary with number 3 Moorland Road, which would be 5cm higher than could be erected under Permitted Development.

The materials proposed are of a solid timber construction that is affixed alongside of the existing brick wall and sits within the garden of number 5 Moorland Road. The property is not in a conservation area nor is it listed, and it is considered that this is an acceptable material, and is something that is replicated throughout other properties within the vicinity. The objection raised talks about the fencing being overbearing and overshadowing, however states that if it was to be raised it would be better in brickwork. This would be a more solid boundary and potentially result in greater overshadowing, however should anyone wish to increase the height of the brick boundary wall beyond 2 metres this could be assessed through the submission of a planning application as are the current changes to the host property at number 5. The planters are currently in an unfinished state, however confirmation has been received that the finish would be a white render, which is seen as an acceptable surface.

Overlooking / Loss of Privacy

The decking where raised is only 4 cm higher than could be implemented under Permitted Development Rights, and it is not considered that the increase in height by 4 cm results in such a detrimental impact upon residential amenity due to perceived overlooking so as to merit refusal. The stepped decking on the rear of the property comprises of three steps of 17cm. Each step is narrow and is only to provide external access down to the garden area, due to the differing level from the house to the garden and is not considered an area where anyone would stay for any period of time.

As such it is not considered that the proposed decking on the rear of the property nor the additional 4cm above permitted development for the other raised decking within the garden would create overlooking of the neighbouring properties and would not result in a detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties.

Scale and Massing

The proposed scale and massing of development for which consent is sought, is considered proportionate given the surrounding context. In addition, the nature of development would not impact upon the character of the property itself, nor the character of the wider area within which it is located pursuant to Core Strategy policies DM1, SP1 and EN1 and saved UDP policy DC1.

Design and appearance

The proposed development would not be visible within the street scene being only visible from the rear of properties adjacent to or backing on to the host property at number 5 Moorland Road. It is considered that the design of the planters, fencing and decked areas are typical of structures to be found within a rear garden area of a residential property. The planters are partially constructed, and whilst at the finished height, are currently unfinished as far as the materials are concerned. A condition would be attached to any consent granted to ensure that they are aesthetically acceptable and do not result in a detrimental impact upon the visual amenity of the neighbouring properties or the character of the property itself. It is considered that the proposal would be in accordance with Core Strategy policies DM1, EN1 and SP1 and saved UDP policy DC1.

Car parking

The existing arrangement would be unaffected.

Waste management

The existing arrangement would be unaffected

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

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. No significant problems have arisen during the consideration of this application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

G1-Existing Garden Plan

G2- Existing Garden Elevations

G3- Proposed Garden Plan

G4- Proposed Garden Elevations

Site Plan all received 1st November 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.

3) The materials to be used on the external surfaces of the planters and fencing hereby permitted shall be implemented in accordance with the approved details as set out in the application form and drawing G3- Proposed Garden Plan, G4- Proposed Garden Elevations and the email from the agent H. Jackson confirming the planter finish to be white render received 6th January 2022.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

8A Belfield Road, Manchester, M20 6BH

7 Moorland Road, Manchester, M20 6BB

Flat 4, 7 Moorland Road, Manchester, M20 6BB

Flat 2, 7 Moorland Road, Manchester, M20 6BB

3 Moorland Road, Manchester, M20 6BB

Flat 3, 7 Moorland Road, Manchester, M20 6BB

Flat 1, 7 Moorland Road, Manchester, M20 6BB

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