

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131013/FH/2021
Date registered valid: 9 July 2021
Proposal: Erection of single storey outbuilding in the rear garden
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 Aeys Associates UK Ltd 173 Dickenson Road ,
Longsight , Manchester, M13 0YN
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 31 August 2021



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 26 July 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 19 July 2021 Expired: 9 August 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 is a detached inter-war dwelling house situated on the western side of Heaton Road in the Withington ward.

The property has gardens at the front and rear, an attached conservatory at the rear, off-road parking and a detached timber outbuilding used as a workshop / store on the rear garden boundary.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is sited in a mainly residential area 155 metres east of the Withington District Centre around Wilmslow Road and north of Parsonage Road.

Property is mainly characterised by large Victorian semi's, interspersed with modern semi's to the rear boundary on Swinbourne Grove to the west and Tallarn Close to the north. 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.

The building is proposed as a study / gym with shower room and would be tied into the existing outbuilding, the latter retaining its function as a workshop / store.

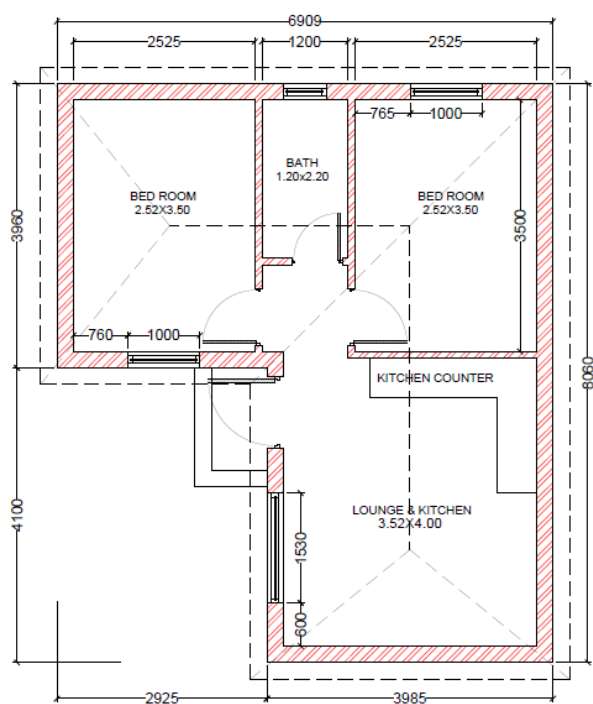
The proposed new build has a length of 6.9 metres and has an irregular footprint at the rear. When combined with the existing outbuilding, it would have a total length of 11.24 metres, depth

of 4.75 metres and height to a dual-pitched roof of 3.5 metres. A gap between the side elevation and rear garden boundaries of Nos. 1 and 3 Tallarn Close of 950mm would be retained, whilst the rear elevation would retain a gap of 1.1 metres to Nos. 25 and 27 Swinbourne Grove. The elevations of the new build are brick and an obscurely glazed window is proposed on the rear elevation for the shower room.

Planning History

The planning register contains one entry for a single storey rear outbuilding which was refused planning consent in February 2021 (129151/FH/202) 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.

The proposed site plan in the present application is set out in the Issues section below.

Consultations & Notification Responses

Neighbour notifications – 1 Objection:

A neighbour living at No.3 Tallarn Close which is north of the site objects on the following grounds:

- * 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 almost the entire 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 (and this was also incorrect in the previous application) – there are trees within falling distance on the proposed site – one, relatively newly planted – and mature fruit 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 the 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 (*Solanum crispum*) 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 and shrubs in the two adjoining gardens, may be damaged by foundations.

* Loss of bio-diversity 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.

* 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 of a new additional building as opposed to use of an existing 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 hedges negates the role of natural carbon sequestration.

* Additional burden on existing infrastructure in provision of water, and removal of waste from the outbuilding.

* Noise and disturbance from building work during construction that will affect three adjoining neighbours (two alongside and one opposite).

* Future considerations - the loss of a large garden for future owners to enjoy. The difficulty of enforcement regarding future use of the additional dwelling with change of ownership – the potential for landlord development of a large student let (in combination with the main house) or use for Airbnb lettings.

Councillor Chris Willis – Comments:

The application looks to be another attempt at gaining permission for a development that was refused earlier this year.

I would question the intentions of the applicants, as to whether this development is intended for family use, or whether it is intended for use as a short-term let. Looking at the plans, there don't appear to be any bedrooms or other living space, but it would be really helpful to know the exact intentions behind this application.

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

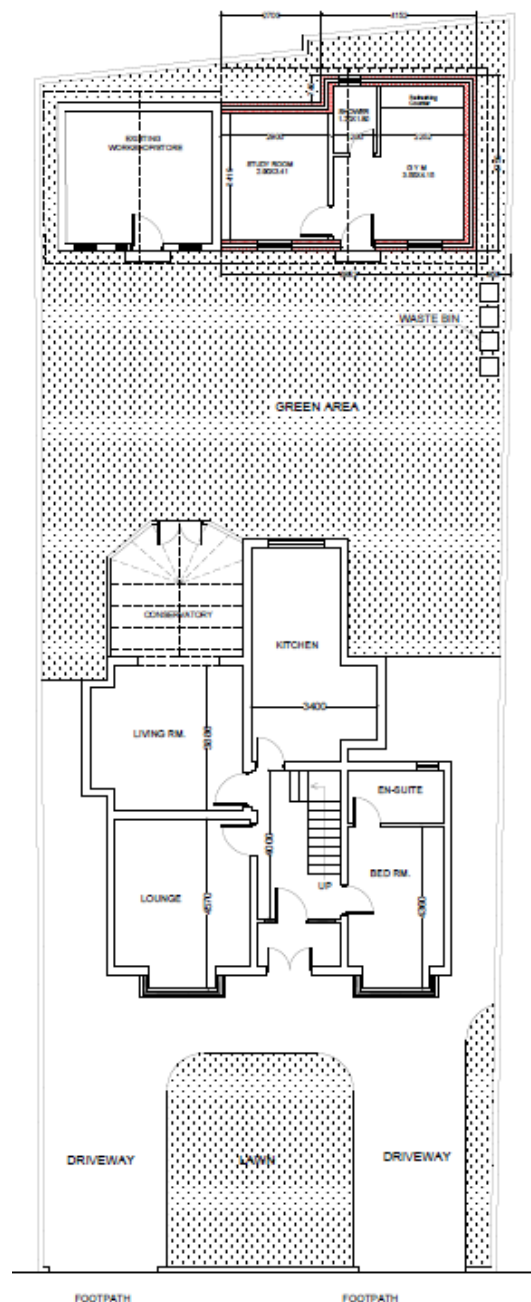
E.1 Development is not permitted by Class E if—

- (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 / office is acceptable within the above planning policy framework of the Local Development Plan. Consideration has to be given to the

cumulative impact of the proposal in relation to the existing outbuilding and the impacts on residential amenity and the character of the area.



The application presents concerns with regards to the mass of development on the rear boundaries as set out below.

The proposal represents an amendment to the application that was refused in February 2021. It has sought to overcome the concerns raised in the reasons for refusal of that application, mainly through addressing the siting, height, layout and end use of the outbuilding.

Scale and Massing

The proposed detached outbuilding would be sited in the rear garden and would be adjacent to the shared boundaries of the properties on Tallarn Close and Swinbourne Grove. The proposed outbuilding would have a hipped roof, and would be just over 4 metres in height, 8.06 metres deep and 6.91 metres wide, at its widest point, adjacent to the shared boundaries. The proposed outbuilding would have a lounge/kitchen, two bedrooms and a bathroom.

Whilst the principle of erecting a detached outbuilding to the rear garden is considered to be acceptable, what is proposed is overly large and bulky and would have a detrimental impact upon the amenity levels currently enjoyed by the neighbouring occupiers, due to the level of development proposed and the scale massing along the shared boundary with properties on Tallarn Close and Swinbourne Grove. Furthermore, this would be exacerbated given the size of the existing outbuilding, which is to be retained.

Residential amenity/visual amenity

The proposed outbuilding would abut the shared boundaries with nos 1 and 3 Tallarn Close and no. 25 Swinbourne Grove and would form overly bulky and

overly dominant structure along their shared boundaries.

Furthermore, the design and scale of the proposal would be out of keeping with the character of the area and form a visually prominent feature within the street scene, and would not fit with the pattern of development within the area.

There are concerns that the proposed outbuilding could be used as independent living accommodation separate to the main residential dwelling, given the scope of development proposed. This in itself would be a type of backland development and garden grabbing and would not fit with the pattern of development within the area, and the additional comings and going of a further household would create undue residential disamenity to local residents.

Loss of light/overshadowing

Loss of light is not considered to be a significant issue in this instance.

Conclusion

For these reasons, it is considered that the proposal would have an unacceptable appearance as the resultant outbuilding would have a bulky appearance with an overbearing massing and scale and would not appear subservient to the existing dwelling to the detriment of neighbouring occupiers. In light of this, the proposed outbuilding is considered to be unacceptable in terms of its appearance and would be detrimental to visual and residential amenity within the area and views within the streetscene contrary to saved policies DC1.1, DC1.2 and policies DM1 and SP1 of the Core Strategy.

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:

Article 35 Declaration

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

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
21 Heaton Road, Manchester, M20 4PX
27 Swinbourne Grove, Manchester, M20 4PP
Flat 4, 23 Parsonage Road, Manchester, M20 4PW
Flat 1, 23 Parsonage Road, Manchester, M20 4PW
25 Parsonage Road, Manchester, M20 4PW
23 Swinbourne Grove, Manchester, M20 4PP
1 Tallarn Close, Manchester, M20 4PJ
Flat 5, 23 Parsonage Road, Manchester, M20 4PW
Flat 3, 23 Parsonage Road, Manchester, M20 4PW
Flat 2, 23 Parsonage Road, Manchester, M20 4PW

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