

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130762/FO/2021

Date registered valid: 29 July 2021

Proposal: Erection of two storey, detached dwellinghouse (Class C3) with associated car parking and hard and soft landscaping

Address: 17 Lynton Drive, Manchester, M19 2LQ

Ward(s): Burnage Ward

Applicant: Mr P Gallagher, 17 Lynton Drive, Manchester, M19 2LQ

Agent (if any): Stephen Lamb, Steve Lamb, 11 Princes Road, Stockport, SK4 3NQ

Case officer: Steven McCoombe
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Recommendation: Refuse

Date of recommendation: 14 September 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 September 2021

Standard consultations:

Printed: 9 August 2021 Expired: 30 August 2021

Neighbour notifications

Printed: 9 August 2021 Expired: 30 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 relates to part of the side garden of No. 17 Lynton Drive – a semi-detached dwellinghouse, situated at the head of a cul-de-sac.

The site would be formed by the sub-dividing the existing garden area, which is of an irregular shape and with an area of approximately 300 sqm. The garden tapers away to the north east, where it opens out onto the head of the neighbouring cul-de-sac of Brighton Grove.

The site which is neighboured on all sides by residential dwellinghouses and contains a number of trees, including 3 which are proposed to be removed to facilitate the proposed development.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in context, largely comprising two storey, semi-detached dwellinghouses.

The site, formed by the sub-division of a rear garden, is situated between the head of two cul-de-sacs of Lynton Drive and Brighton Grove respectively.

Lynton Drive where the host property is located, is a narrow cul-de-sac comprising post war semi-detached dwellinghouses of a uniform character.

Similarly, with the exception of properties located at the head of the cul-de-sac, Brighton Grove is a narrow cul-de-sac of a largely homogenous architectural character, mainly comprising two storey, dwellinghouses from the Edwardian era.

Description of development

Planning permission is sought for the erection of a single, two storey dwellinghouse (Class C3) with associated landscaping and off-road parking.

The proposed house is situated immediately to the rear of the host dwellinghouse at No.17 Lynton Drive, following the line of the rear elevation, but orientated at a splayed angle in relation to the neighbouring property to which the front of the proposed property faces at No.17 Brighton Grove.

A new boundary is to be formed to separate the application site from the existing dwellinghouse at No.17 Lynton Drive.

It is proposed that the dwellinghouse would be of traditional masonry construction, with a tiled, hipped roof and half-timbered gable feature to the front elevation. Proportions are to reflect those of neighbouring properties.

Externally, a side and rear garden area is proposed. To the front, two off road parking spaces are proposed immediately to the front of the dwellinghouse, accessed via the head of the cul-de-sac and existing, timber gate opening off Brighton Grove.

Consultations & Notification Responses

Local Residents/Occupiers – 17 representations have been received. All object to the proposed development. Principal comments are consolidated and summarised below:

-The proposed house would exacerbate traffic, on-street parking and congestion along Brighton Avenue, as well as vehicle manoeuvrability;

-A modern house would be an eyesore in the street and would be out of character, offering no enhancement to the appearance of the street;

-The site is a garden area, not an infill site;

-The loss of trees would be harmful to the appearance of the area, undermine climate change objectives and have a harmful impact to ecology;

-The proposed house would add to the disrepair of the poor road surface along Brighton Avenue;

-Construction traffic will have a harmful impact to the mental well-being of neighbouring residents;

-The design of the proposed house is out of character with the Edwardian properties along Brighton Avenue;

-The proposed house would lead to the overlooking of neighbouring properties.

-The proposed house would be out of character with the pattern of development found in the area.

- The frontage is dominated by parking.
- The proposed house would be over-dominant and intrusive to neighbouring property.
- The proposed house would jeopardise highway safety. It is also questioned whether it is safe for the proposed driveway to cross over the neighbouring driveway.
- Concerns are raised surrounding the impact of construction access upon the street tree at head of Brighton Grove cul-de-sac.

Environmental Health – Conditions are recommended which require further details with respect to construction management, waste management and the investigation and remediation of ground conditions.

Flood Risk Management – A condition is requested in relation to the need for a surface water drainage scheme.

Greater Manchester Police (Design for Security) – Various security recommendations are advised.

United Utilities – It is requested that the applicant submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum.

It is also requested that the applicant provides an indicative foul and surface water drainage strategy for review.

Highway Services – It is noted that the site is located adjacent to the adopted highway. A 20mph speed limit is in place along the entirety of Lynton Drive. The accessible nature of the site and proximity to public transport is also noted.

Trip Generation

Given that the proposed development would result in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Off-site Highway Works

It is understood that there is an existing dropped crossing in place to facilitate access from Brighton Avenue. Should any amendment to the adopted highway be required, all works must be progressed via a Section 184 Agreement with MCC Highways.

Parking and Access

There are 2 car parking spaces located within the site's curtilage. It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.

EV Charging

It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.

Cycle Parking

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit. A cycle store is in place at the rear of the property and is acceptable to Highways.

Boundary Treatment

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Refuse and Servicing

Designated refuse storage has been accommodated on the east elevation of the property. Bins will be taken to/from the bin store via the driveway to the collection point on Brighton Avenue on collection day. Highways consider this to be acceptable.

Construction Management

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Planning History

No previous history.

Policy

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 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.

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 H1 states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

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.

Paragraph 2.3 states:

'A high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Different parts of the City, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area'.

Paragraph 2.13 states further that:

'The scale, position and external appearance of new buildings should respect their setting and relationship with adjacent buildings, enhance the street-scene and consider their impact upon the roofline and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings'

Paragraph 2.53 goes on to state:

'The majority of new development within the City will continue to be on infill sites within an established neighbourhood and street. New developments should respect the existing scale, appearance, grain and mix of uses and make a positive contribution to the quality and character of the area'.

In terms of the design of new parking, paragraph 6.2 states:

'The street is an important element within a neighbourhood that both looks good and functions well. parking should be designed innovatively and imaginatively. It should be sensitively located so that it does not dominate the street scene and should ideally be provided to the rear, side of, or beneath the building. Parking to the front of a building frequently results in an adverse visual impact and an undesirable setback to the building and the street and will be discouraged'.

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, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- 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;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- 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.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 that 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.

It is maintained that proposed house, as consequence of its inappropriate siting, orientation and relationship with neighbouring properties, would result in a development at odds with the prevailing context and character of the area, whilst being over-dominant and intrusive to neighbouring occupiers, to the detriment of residential amenity. The proposed development is therefore contrary to the aforementioned policy and guidance.

Notwithstanding the accessible nature of the site and the demand for family homes in Manchester, the negative impact of the proposal are considered to outweigh such matters. The harmful impacts of the proposal are explored in more detail below.

Impact upon the Character of the Area

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.

Policy H1 states that new housing development should reflect the spatial distribution which supports growth on previously developed sites in sustainable locations and contribute to the design principles of Manchester's Local Development Framework, including in environmental terms. The design and density of a scheme should contribute to the character of the local area and be designed to give privacy to both its residents and neighbours.

The NPPF advocates further, the need for good design and advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

In this case, the immediate area is largely characterised by linear rows of properties of a relatively uniform architectural character, on regular sized and orientated plots, with dominant front and rear building lines which respond to the curvature in the road where the respective cul-de-sacs terminate.

The proposed development seeks to erode the rear garden area of the host property at 17 Lynton Drive and squeeze in a property between 17 Brighton Grove and 18 Lynton Drive. This is achieved by orientating the position of the proposed building at splayed angle in relation to the neighbouring front building line and by developing the widest part of the site. The front of the site layout tapers away, diminishing in width towards the Brighton Grove frontage.

The resultant building is at odds with the pattern of development in the immediate area and set back from the Brighton Grove Road frontage, concealed by the narrow width of the plot where it responds to the road.

With the exception of three properties located at the head of the cul-de-sac, most neighbouring properties along Brighton Grove have a similar proportioned, enclosed front garden areas which provide a setting to each property and which add to the attractiveness and regularity of the street-scene.

The frontage to the application proposal is in stark contrast to neighbouring dwellings, being of a much narrower width and dominated by the proposed off-road parking arrangement.

It is maintained therefore that the proposed dwellinghouse would be at odds with the immediate streetscape and would fail to make a positive contribution to the character of the area, whilst undermining the urban grain and rhythm of plot frontages, representing an alien built form in this locality, undermining the quality of the area. Consequently, the proposed dwellinghouse would not be well related to existing dwellings or the pattern of development found in the immediate area. This in turn would have a harmful effect upon the character and appearance of the area and that of the street-scene. On this basis, the proposal is in conflict with aforementioned policy and guidance.

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.

Policy H1 further states that new development should contribute to the design principles of Manchester's Local Development Framework, including in environmental terms.

Design guidance is provided with both the Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF). Emphasis is notably placed on high quality design, the sympathetic and appropriate siting of new development and the need for a high standard of amenity.

The proposed development dwellinghouse is situated a few metres away from the rear of the existing property at No.17 Lynton Drive and also, from the common boundary with the neighbouring property at No. 18.

Whilst it is acknowledged that the proposed dwellinghouse has been designed to minimise any overlooking issues through the positioning of first floor windows, the harmful impact would arise from the two-storey scale of the proposed building and its proximity and relationship to these properties.

Due to the siting of the proposed dwellinghouse so close to the boundary between 17 and Lynton Drive, the proximity of the proposed new build to the rear facing windows of these properties, coupled with the removal of vegetation that presently performs a screening function, the proposed building would have an overbearing and over-dominant impact. This in turn would be harmful to the living conditions, by leading to a loss of daylight and reduced outlook.

The infilling of the garden area and the introduction of built form of the scale and position proposed, would undoubtedly create an intrusive and overbearing feature. Notably, due to the large expanse of brickwork to the side facing elevation, the interface distance between the existing properties and proposed building and the perception of being overlooked due to the proximal relationship.

As advocated by the policy and guidance outlined, new development should be sympathetic to the local context, make a positive contribution to the quality and character of the area, respect the place in which it is located and consider the effects upon amenity, with regard to the well-being of existing residents.

It is believed that the proposed development would fail to accord with such objectives and as a consequence, would have a harmful and negative impact to the living conditions of neighbouring occupiers due to the oppressive relationship that would be afforded. On this basis, the proposed development is considered unacceptable.

Trees

The proposal involves the removal of 3 trees from the site, assessed to poor quality specimens of a low quality.

Whilst the loss of any tree is always regrettable, the trees are on private land and unprotected. They are therefore capable of being removed outside the application proposal.

Should the site come forward for development, new tree planting should be sought in mitigation.

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

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 in a timely manner.

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

1) Having regard to the relationship of the proposed development with the surrounding properties in the area, the proposed development by reason of its siting, orientation, narrow frontage and lack of front garden area, would constitute an incongruous form of development, out of keeping with the character and pattern of development in the local area and is harmful to the appearance of the street-scene. The proposal is therefore contrary to the provisions of policies SP1, H1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

2) The proposed dwellinghouse by reason of its scale, siting, relationship and proximity to 17 and 18 Lynton Drive, would have an overbearing and over-dominant impact, harmful to the living conditions of these neighbouring occupiers. The proposed development is therefore contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police

18 Lynton Drive, Manchester, M19 2LQ
16 Lynton Drive, Manchester, M19 2LQ
18 Brighton Avenue, Manchester, M19 2JQ
17 Brighton Avenue, Manchester, M19 2JQ
13 Brighton Avenue, Manchester, M19 2JQ
11 Brighton Avenue, Manchester, M19 2JQ
61 Burnage Hall Road, Manchester, M19 2JP
63 Burnage Hall Road, Manchester, M19 2JP
59 Burnage Hall Road, Manchester, M19 2JP
57 Burnage Hall Road, Manchester, M19 2JP
13 Lynton Drive, Manchester, M19 2LQ
3 Orville Drive, Manchester, M19 2JW
15 Brighton Avenue, Manchester, M19 2JQ
55 Burnage Hall Road, Manchester, M19 2JP
53 Burnage Hall Road, Manchester, M19 2JP
51 Burnage Hall Road, Manchester, M19 2JP
15 Lynton Drive, Manchester, M19 2LQ
14 Lynton Drive, Manchester, M19 2LQ
1 Orville Drive, Manchester, M19 2JW
20 Brighton Avenue, Manchester, M19 2JQ
16 Brighton Avenue, Manchester, M19 2JQ
14 Brighton Avenue, Manchester, M19 2JQ

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: NORTH2