

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129004/FH/2020

Date registered valid: 4 May 2021

Proposal: Part retrospective creation of boundary walls and fencing, the introduction of hard landscaping comprising of walls and steps and modification of ground level within the rear garden area.

Address: 13 Greenstead Avenue, Manchester, M8 0WR

Ward(s): Crumpsall Ward

Applicant: Mr Zain Anjum, 13 Greenstead Avenue, Manchester, M8 0WR

Agent (if any): Mr Mohammed Yaseen, 2 Keble Avenue, Oldham, OL8 4HN

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 July 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 17 May 2021 Expired: 7 June 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 the rear garden of a two storey, semi-detached dwellinghouse. The large garden originally incorporated an incline that sloped upwards away from the house towards the rear boundary. Following works that the current application seeks to regularise, the rear garden is now graded, with raised terraced areas.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is principally residential character, mainly comprising two storey, semi-detached dwellinghouses. To the rear, the site is neighboured by a Metrolink line, separated by an area of informal open space. Beyond the tram lines is Abraham Moss Centre, Leisure Centre and Community School.

Description of development

Part retrospective planning permission is sought for the creation of boundary walls and fencing, the introduction of hard landscaping comprising of walls and steps and modification of ground level within the rear garden area.

The proposed works will allow the previously sloped garden more usable for amenity space, with the boundary treatment proposed to protect neighbouring occupiers from overlooking.

Consultations & Notification Responses

Local Residents/Occupiers – 2 representations have been received from neighbouring occupiers (1 in support and 1 objection). Comments are summarised below:

- The drawings are unclear as to what is being proposed, although the work has already been completed.
- There is concern that the fence height in combination with the wall, will be too and will block sunlight.
- No issue with the project. We are encouraged that neighbours are upgrading their old garden wall and hard landscaping.

Planning History

130227/LP/2021

Certificate of Lawful Proposed Development for the installation of dormer to rear and roof alteration from hip to gable. Approved 29 June 2021.

079486/FH/2006/N1

Erection of a single storey rear extension to form kitchen, dining room and study. Approved 18 July 2006.

Policy

The below policy and guidance is considered relevant to the consideration of this application.

- Policies DM1 and SP1 of the Manchester Core Strategy.
- National Planning Policy Framework (NPPF).

Issues

Principle

Allowing residents to extend their homes or alter their garden areas to provide enlarged or improved space is generally acceptable, provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this case, the proposed extensions is considered acceptable and in accordance with saved policy DC1 of the UDP, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Residential and Visual Amenity

The garden area has been regraded to create a series of terrace areas which increase in height away from the house, towards the rear boundary. Access to the top terrace is gained by a flight of steps situated to the right-hand side of the garden, which is adjoined by a raised planter which spans the remaining width of the garden.

Whilst the works to improve the functionality of the garden are considered acceptable, it is necessary to protect adjoining occupiers from any potential overlooking that would be introduced by the increase in garden height.

In response to this, the applicant proposes the use of a 1.8 metre high timber fence to the highest part of the rear garden, which reduces in height to 1.4 metres as the garden area decreases in height in relation to the boundary. It is considered that through the implementation of the boundary treatment a balance has been struck between a fence height that would not be overly dominant or oppressive, whilst ensuring the privacy of neighbouring occupiers is not compromised by undue overlooking of their garden areas.

In order to ensure the fence remains in situ, a condition has been included which requires the boundary fence to remain in place at all time, to ensure the privacy of neighbouring occupiers is retained.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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 numbered ZA14820/F01.05.2021 and fence elevation drawing received by the City Council as Local Planning Authority on 4 May 2021 and 6 July 2021 respectively.

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 development hereby approved shall only be implemented in accordance with the boundary treatment show on the fence elevation drawing received by the City Council as Local Planning Authority on 18 July 2021. The boundary treatment shall be implemented within 2 months from the date of this decision and shall thereafter be retained.

Reason - To safeguard residential amenity and to prevent overlooking of neighbouring garden areas, pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

11 Greenstead Avenue, Manchester, M8 0WR
9 Greenstead Avenue, Manchester, M8 0WR
7 Greenstead Avenue, Manchester, M8 0WR
15 Greenstead Avenue, Manchester, M8 0WR
8 Parslow Avenue, Manchester, M8 0WH
4 Parslow Avenue, Manchester, M8 0WH
5 Greenstead Avenue, Manchester, M8 0WR
6 Parslow Avenue, Manchester, M8 0WH
2 Parslow Avenue, Manchester, M8 0WH

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1