

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130617/FH/2021
Date registered valid: 3 June 2021
Proposal: Installation of detached shed/cycle garage in rear garden fronting onto Millgate Lane
Address: 16 Kingston Road, Manchester, M20 2RZ
Ward(s): Didsbury East Ward

Applicant: Mr & Mrs M Perls, 16 Kingston Road, Manchester, M20 2RZ
Agent (if any): Mr Dan Newport, re-form architects, 14 Athol Road, Manchester, M16 8QN
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 19/7/21



Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:

Printed: 14 June 2021 Expired: 5 July 2021

Neighbour notifications

Printed: 14 June 2021 Expired: 5 July 2021

Site notice

Posted: 17 June 2021 Expired: 8 July 2021

Press advert

Published: 22 June 2021 Expired: 13 July 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

16 Kingston Road is a large 2 storey semi-detached dwellinghouse located within the Didsbury St James Conservation Area. There is a driveway and garden to the front of the property and there is a garden and small brick shed located at the rear. The rear garden can be accessed directly from Millgate Lane as there is a wooden door in the rear garden boundary wall.

Listed building: no

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: no

Description of development

The applicant is proposing to erect a single storey building within the rear garden to provide a motorcycle/bicycle store and bin store. It will adjoin Millgate Lane and be directly accessed from that road. It would be constructed from reclaimed brick with a sedum roof while the bi-folding doors would be constructed from COR-TEN steel.

Consultations & Notification Responses

Local Residents – No comments received.

Highway Services – Have made the following comments:

- The proposed detached shed/cycle garage extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.
- A refuse/recycling store is also proposed within the shed/cycle garage and will have pedestrian access via an inward opening door from Millgate Lane. The inward opening door from Millgate Lane is acceptable to Highways.
- Bins will be taken to/from the collection point on Millgate Lane from refuse/recycling store by the resident on collection day. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.
- Given the minimal scale of construction works involved, the level of construction vehicles is unlikely to generate any significant on-street parking demands.

In light of the above, Highways have no objections to the proposed development.

Policies

The National Planning Policy Framework (February 2019) – The National Planning Policy Framework (NPPF) 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, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 192 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Core Strategy Development Plan Document – 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 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- 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.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC18 is considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

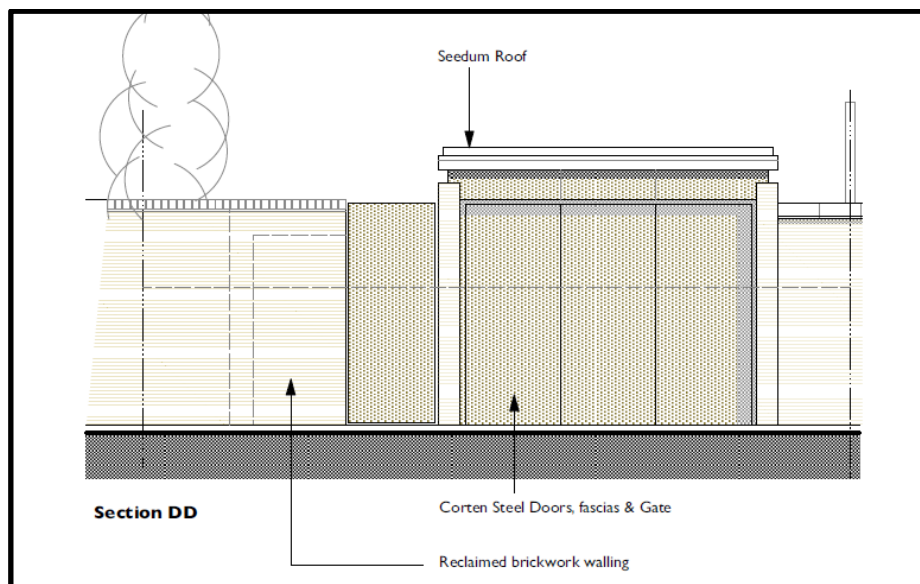
- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;

- iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
 - c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
 - d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
 - e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Issues

Principle of the Proposal – The principle of erecting secure store at the rear of the property is considered acceptable. Notwithstanding this, consideration must be given to the proposals' impact upon the existing levels of residential and visual amenity enjoyed by the residents who adjoin the site, as well as the impact upon the Didsbury St. James Conservation Area.

Design – The design of the store is contemporary being constructed from COR-TEN steel, reclaimed brick and topped with a sedum roof. It forms a simple façade to Millgate Lane and this reflects the simple boundary treatment seen along that road. Overall, the design of the proposal is considered acceptable.



Impact on Didsbury St. James Conservation Area – Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Didsbury St. James Conservation Area.

The Didsbury St. James Conservation Area, which lies nine kilometres south of the city centre, was designated in November 1970. It is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane, and covers an extensive area. Most of the conservation area is on level ground, but there is a slope down Millgate Lane, Kingston Road and Stenner Lane where the higher land gives way to the lower level of the Mersey flood plain. Architectural styles vary from the Perpendicular of St James's Church to the Classical and Gothic of public buildings and of the more grandiose houses. Remnants of older and more modest houses exist in simple vernacular character.

A great variety of building materials is used in the conservation area. Most common is red brick for walls and blue slate for roofs. Stone dressings, in conjunction with brickwork, are used extensively, and several buildings are built entirely of stone, notably the two churches. The whole of the conservation area, with the exception of playing fields, is well wooded. The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area.

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP policy DC18, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials. In terms of informing the character and form of new development in the area, it is considered that careful consideration should be given to the existing character of the area including the size, mass and appearance (including materials) of the older buildings.

Given the design of the proposal, in particular the simple frontage to Millgate Lane, it is not considered that the proposal would cause harm to the appearance and overall character of the conservation area.

Visual and Residential Amenity – Given the design and siting of the store, it is not considered that the proposal would have a detrimental impact upon the current levels of visual and residential amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – The proposal would have no impact upon current levels of pedestrian and highway safety enjoyed along Millgate Lane.

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 to resolve any problems arising in relation to the planning 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:

a) Drawings nos. 001, 002a and 010a, stamped as received on 3 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 Manchester Core Strategy.

3) The development hereby approved shall be implemented and thereafter maintained using the materials detail on drawing 010a, stamped as received on 3 June 2020.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

The Croft, Millgate Lane, Didsbury, Manchester, M20 2SW
10 Kingston Road, Manchester, M20 2RZ
20 Kingston Road, Manchester, M20 2RZ
18 Kingston Road, Manchester, M20 2RZ
14 Kingston Road, Manchester, M20 2RZ
12 Kingston Road, Manchester, M20 2RZ

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
Conservation Area - Didsbury St James Conservation Area 1970
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH