

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 133507/FH/2022

**Date registered valid:** 12 April 2022

**Proposal:** Erection of a single storey granny annexe within rear garden for ancillary use to the main dwellinghouse

**Address:** 49 Dudley Road, Manchester, M16 8FW

**Ward(s):** Whalley Range Ward

**Applicant:** Sian Williams and Tim Plant, 49 Dudley Road, Manchester, M16 8FW

**Agent (if any):** Miss Joss Muir, NAPC Limited Suite 219, Watermoor Point, Watermoor Road, Cirencester, GL7 1LF

**Case officer:** Dave Morris  
Tel: 0161 600 7924  
Email: dave.morris@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 07.06.2022

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 20 May 2022

### **Standard consultations:**

Printed: 4 May 2022      Expired: 25 May 2022

### **Neighbour notifications**

Printed: 4 May 2022      Expired: 25 May 2022

### **Site notice**

Posted: 10 May 2022      Expired: 31 May 2022

### **Press advert**

Published: 10 May 2022      Expired: 31 May 2022

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

This application relates to the rear garden of a two storey semi detached villa with an elevated ground floor. The rear garden is approximately 20 metres long and 7.3 metres wide. There is a large front garden and a narrow passage at the side of the property. The rear garden contains a tree for which consent has been granted for its removal reference 133398/TCA/2022 and a small garden shed.





**Listed building:** Not applicable

**Conservation area:** Whalley Range Conservation Area 1992

**Tree Preservation Order:** Not applicable

### **Description of area**

The site is located within the Whalley Range Conservation Area. To either side are the rear gardens of houses on Dudley Road to the rear is the rear garden of a house on Victoria Road.

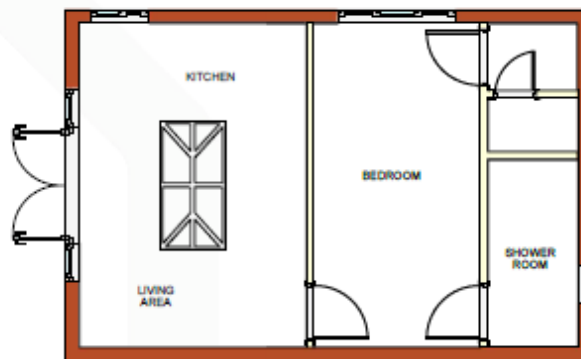
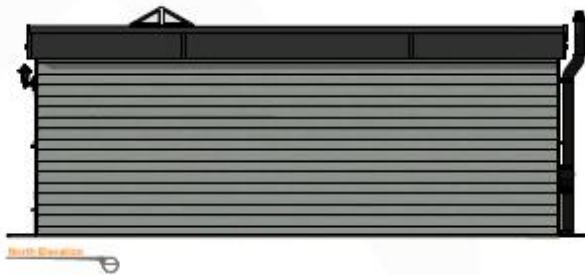
### **Description of development**

This application has been submitted in parallel with an application reference 133508/LP/2022 for a certificate of Lawful Proposed Development for the installation of a mobile home that is identical to that the subject of this application.

Consent is sought to install a portable home in the rear garden to be used as a granny annex. The structure would sit on screw piles and can easily be removed. The proposed structure would be 5.5 metres wide, 8.2 metres long and approximately 3.25 metres high, have a flat roof and provide a living area, including kitchen, bedroom and a shower room. The submitted drawings show a set of French Doors with Side panels in the front elevation a kitchen and bedroom windows in the side (north) elevation and a shower room window in the rear elevation. There would also be a lantern light. The side and rear elevation would be clad in Greygreen painted cedar cladding and the front elevation in nature oak.

The accommodation is intended to provide semi independent living for elderly parents who are no longer able to live without a degree of support.

The installation of the building will require the removal of a tree, for which consent has already been granted and a small shed.



## **Consultations & Notification Responses**

### **Local Residents**

One letter has been received supporting the principle of the proposed development. In supporting the application the following comments were made "I would support the erection of the single storey granny flat, I have known this family for over 20 years and can see that they are trying their best to keep their elderly parents together in a supported loving home. It is not clear as to what height the proposed granny flat is however suffice to say it does not exceed 2.5m to 3m externally I would have no objection."

## **Policy**

### Core Strategy

The relevant Core Strategy policies are DM1 and EN3

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 seeks to ensure that the City's heritage assets are protected from the adverse impact of development.

### Unitary Development Plan

The relevant saved UDP policy is DC18 which seeks to ensure that new developments preserve or enhance the City's conservation areas.

### NPPF

Paragraphs 189 through 208 relate to Conserving and Enhancing The Historic Environment.

Paragraph 189 says these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 197 says that in determining 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 199 says 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 202 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 viability.

## **Issues**

### Principle

This is in essence the same building as was considered to NOT require planning permission as it was a mobile home, reference 133508/LP/2022. The application has been submitted to create a detached building which will form a granny annexe. The supporting statement and typed letter by the applicant states that due to the health of the applicants parent that the annexe is required so that family members living in the main house can support the occupiers of the building.

Saved policy DC1.5 states that the Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

In principle it is considered that the proposed development is acceptable.

## Scale

The property has a large rear garden approximately 140 square metres and the proposed building would have a footprint of approximately 45 square metres. Given the size of the rear garden this is not considered to be excessive. In terms of height the building would be approximately 3.25 metres high which is 0.75 metres more than would be allowed under permitted development. On balance it is considered that the large size of the gardens and the gardens that adjoin the proposed building is not overly high.

It is therefore considered that the scale of the proposed building is acceptable.

## Design

The building is a simple flat roofed box and to minimise its impact it would be clad in greygreen painted cedar cladding to the sides and rear and natural oak cladding to the front. It is on balance considered that the proposed design of the building would be appropriate to an ancillary structure in a rear garden and is acceptable.

## Use

Policy DC1 contains provisions for the provision of so called granny flats to be considered on their merits. The applicant have provided a letter detailing why the accommodation is required, namely in order that they can provide care to elderly residents who require care but want to retain a degree of independence. An appropriate condition is proposed to ensure that the property is not used as an independent dwelling.

## Residential amenity

In terms of privacy the principle window/main entrance faces up the garden towards the main house and as such raises no privacy issues. There are windows in the side and rear elevation however it is considered that these could be obscurely glazed to minimise and potential overlooking issues.

In terms of overbearing impact, the structure would be set in approximately 0.75 metres from the boundary which is former by an approximately 1.8 metre high fence. It is considered that given the large size of the adjacent gardens any overbearing impact would not be so significant as to justify refusing consent.

## Impact on the Character of the Conservation Area.

The spaces around buildings form an important aspect of the character of conservation area. In this case the proposed building would cover approximately one third of the garden and being flat roofed and low lying it is considered that this openness would not be impinged upon to a significant extent.

On balance therefore it is considered that the proposed development would cause less than substantial harm to the character of the conservation area.

## Conclusion.

On balance it is considered that the proposed development is acceptable subject to its use being limited to purposes ancillary to the use of the main dwelling.

## **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 issues arising from 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:

Drawing pack received 12 April 2022

Planning Statement received 12 April 2022

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 development hereby approved shall be constructed using the materials specified in the planning statement received on 12 April 2022.

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, EN3 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC18.

4) The outbuilding as shown on drawings and documents: contained in the drawing pack and planning statement received by the City Council as Local Planning Authority, on the 12 April

2022, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 49 Dudley Road, Manchester, M16 8FW.

Reason: To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

5) Before first occupation the windows in the side and rear elevations shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

## **Appendix 1 – List of consultees & neighbours notified**

Whalley Range Forum

Whalley Range Conservation Area Group

55 Victoria Road, Whalley Range, Manchester, M16 8DQ

51 Dudley Road, Manchester, M16 8FW

45 Dudley Road, Manchester, M16 8FW

64 Dudley Road, Manchester, M16 8DE

57 Victoria Road, Whalley Range, Manchester, M16 8DQ

47 Dudley Road, Manchester, M16 8FW

62 Dudley Road, Manchester, M16 8DE

53 Victoria Road, Whalley Range, Manchester, M16 8DQ

## **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 - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH