

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129579/FH/2021
Date registered valid: 3 March 2021
Proposal: Installation of detached outbuilding within rear garden
Address: 38 Willoughby Avenue, Manchester, M20 6AS
Ward(s): Didsbury East Ward

Applicant: Hickey and Barnes 38 Willoughby Avenue, Manchester, M20 6AS
Agent (if any): Mr James De Santis James De Santis Architect 406 Buxton Road,
Macclesfield, SK11 7EP
Case officer: Melanie Tann
Tel: 0161 234 4538
Email: melanie.tann@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 23rd April 2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: None undertaken due to Covid 19 pandemic. Photos have been provided by the applicant.

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 March 2021 Expired: 26 March 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 property is a traditional, two-storey semi-detached house with gardens to the front, side and rear

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in character

Description of development

Installation of detached outbuilding within rear garden

Consultations & Notification Responses

Neighbours – no comments received

Policies

Unitary Development Plan

Saved Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

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.

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- 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 and 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.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.

- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, the NPPF states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

Issues

Principle - The proposal is for the erection of a detached single-storey outbuilding at the bottom of the garden. The outbuilding requires planning permission due to the height of the development as it exceeds 2.5 metres within 2 metres of the boundaries.

Consideration must be given to the development's siting, design, appearance, scale and massing, and to the impact upon levels of residential amenity.

Siting, scale and massing - The outbuilding would be sited to the rear of the property at the bottom of the garden, adjacent to the shared boundaries with 73 Catterick Road. The development would be approximately 2.7 metres in height with a flat roof, 4 metres wide and 3 metres deep. It is, therefore, considered that the proposal should not provide any undue impact on the residential amenity currently enjoyed by the occupiers of the adjoining properties.

The proposal accords with the principles for residential extensions set out in policy DM1 of the Core Strategy.

Design and Appearance - The design is simple, modular type box with cladding so as to blend in with the garden. The materials proposed are considered to be acceptable, however, further detail is sought.

Residential Amenity - Taking into consideration, the dimensions of the proposal, together with the orientation of the building within the site, it is considered to be in keeping with the neighbouring properties, and there would be no significant issues in respect of overshadowing

or loss of amenity to the adjoining neighbouring properties. Furthermore, there is only one window and door within the outbuilding and these are both facing the host property, so overlooking should not be an issue.

A condition has been placed on the outbuilding to ensure that it would not be occupied at any time other than for purposes ancillary to the residential use of the dwelling. This is to ensure the use remains ancillary to the site property.

Conclusion - The proposal is considered to be acceptable in this location in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly, detrimentally affecting the amenities of the occupiers of surrounding properties, and there are no material considerations of sufficient weight to indicate otherwise.

For all of the above reasons, the retention of the outbuilding is considered to accord with the saved policies of the Development Plan including DC1 for Residential Extensions and policy DM1 Development Management.

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 problems arising in relation to dealing with 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:

Proposed plans and elevations 31 rev B, stamped as received 3rd March 2021;

Proposed site plan 02 rev A, stamped as received 3rd March 2021.

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) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with DM1 and the requirements of the National Planning Policy Framework.

4) The outbuilding as shown on the approved drawing 31 rev B as received by the City Council as Local Planning Authority, on the 3rd March 2021 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 38 Willoughby Avenue, Manchester, M20 6AS.

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.

Appendix 1 – List of consultees & neighbours notified

27 Willoughby Avenue, Manchester, M20 6AS
41 Adria Road, Manchester, M20 6SQ
39 Adria Road, Manchester, M20 6SQ
36 Willoughby Avenue, Manchester, M20 6AS
75 Catterick Road, Manchester, M20 6HF
73 Catterick Road, Manchester, M20 6HF
71 Catterick Road, Manchester, M20 6HF
69 Catterick Road, Manchester, M20 6HF
67 Catterick Road, Manchester, M20 6HF
29 Willoughby Avenue, Manchester, M20 6AS

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH