

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129090/FH/2021

Date registered valid: 14 January 2021

Proposal: Erection of single storey detached outbuilding following demolition of existing garage

Address: 135 Fog Lane, Manchester, M20 6ED

Ward(s): Didsbury East Ward

Applicant: Mrs Caroline Derrick, 135 Fog Lane, Manchester, M20 6ED

Agent (if any): Mr Justin Keleghan, JK Technical Services (NW) Ltd, 21 Campbell Road, Swinton, Manchester, M27 5QG

Case officer: Robert Griffin
Tel: 0161 234 4527
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Recommendation: APPROVE

Date of recommendation: 01.03.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: None undertaken. Site photos were provided by applicant and streetview and online photo resources reviewed.

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 18 January 2021 Expired: 8 February 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application property is a two storey semi-detached residential dwelling house with an existing detached garage to the rear and comprises front, side and rear external private amenity space. The property has been previously extended by way of single storey rear extension which is presumed to have been undertaken utilising permitted development rights.

There is a variation in house types on this section of Fog Lane with the application property having front gables whilst the property adjacent at 133b Fog Lane is a detached property. All are predominantly of red brick with additional areas of render.

Fog Lane is a busy road which predominantly serves residential properties, to the east of this application property it the junction with Parrs Wood Road.

Fog Lane Park lies immediately to the north of the rear garden of the application property.



Front view of 135 Fog Lane

Description of development

The proposed relates to the erection of a brick finished single storey detached outbuilding following demolition of existing garage located in a similar position within the garden.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, no formal responses were received although a neighbouring occupier contacted the Council for clarification on the proposals but raised no concerns.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management

- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2019)

- Chapter 12 - Achieving Well-designed Places

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle - The principle of building a single storey detached outbuilding to replace an existing structure in the same location is acceptable, however consideration must be given to the

proposals siting, scale and massing, appearance and impact upon existing levels of residential and visual amenity.

Siting, scale and massing - The proposed garage would be sited within the rear garden alongside the boundary with number 133 Fog Lane. The garage would be approximately 2.5 m in height to eaves and have an overall height to its ridge of 3.7 metres, have a width of approximately 2.9 metres and a depth of 6.2 metres. The garage would have a brick finish to match the existing outbuilding, with door and window in the apex together with windows, door and roof lights on the garden facing elevation and another apex window in the rear elevation to the outbuilding.

The outbuilding does exceed the height allowed under Class E (outbuildings) of the permitted development rights of 2.5 metres maximum height within 2 metres of the boundary and therefore planning permission is required.

The siting, scale and massing of the garage is considered acceptable particularly as it replaces a structure of a similar scale albeit not as long.

Appearance and visual amenity - The outbuilding would be built of brickwork to match the existing garage. The proposal is standard in design and would be in-keeping with other such garden structures in the area. Sited towards the rear, it would not be readily visible from the public highway and therefore would not be a dominant feature within the street scene, hence the character of the area should not be harmed by these works. Therefore, the appearance is acceptable and its impact upon visual amenity is considered not to be significant.

Residential amenity - There is no glazing proposed for the side elevation facing the neighbouring property closest to the structure therefore the surrounding occupiers' privacy should not be impacted. The windows in the apex would not provide direct views although views upwards from within the outbuilding could be ascertained, such views are not considered to be so significant as to warrant refusal of the application. It is considered that the proposal accords with residential policies DC1, DM1 and SP1 and would not give rise to unacceptable impacts on residential amenity.

Conclusion - The storage of refuse and provision of off-street parking would remain as existing. The proposal accords with policies DM1, DC1, SP1 and the NPPF and it is not thought to cause undue harm to the existing levels of residential amenity enjoyed by neighbouring occupiers nor harm the visual amenity of the area, therefore the development is deemed acceptable and may commence in accordance with the following conditions.

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

The application has been dealt with in a positive and proactive manner, in this instance no issues have arisen and a decision has been issued within statutory timescales.

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 references: 2 'Proposed Floor Plan, Elevations and Section' and 4 'OS Map' received by the City Council as local planning authority on the 13th January 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) The materials to be used on the external surfaces of the outbuilding hereby permitted shall match those stated on the submitted application form and approved drawing.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The outbuilding as shown on the approved drawing 02 as received by the City Council as Local Planning Authority, on the 13th January 2021 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 135 Fog Lane, Manchester, M20 6ED.

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

137 Fog Lane, Manchester, M20 6ED
133B Fog Lane, Manchester, M20 6ED
208 Fog Lane, Manchester, M20 6FB
206 Fog Lane, Manchester, M20 6FB
204 Fog Lane, Manchester, M20 6FB

Appendix 2 – Planning constraints

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