

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127333/FH/2020

Date registered valid: 2 September 2020

Proposal: Erection of garage with first-floor storage, following demolition of existing garage

Address: 663 Kingsway, Manchester, M19 1SY

Ward(s): Didsbury East Ward

Applicant: Mr Asad Al Kazzaz 663 Kingsway, Manchester, M19 1SY

Agent (if any): Phil Holmes PHA Architects Ltd 1 Cranleigh Avenue, Stockport, SK4 3PZ

Case officer: Melanie Tann
Tel: 0161 234 4538
Email: melanie.tann@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 28 October 2020

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: 16 September 2020 Expired: 7 October 2020

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 two-storey detached house with gardens/driveway to the front and rear

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The area is residential in character

Description of development

Erection of garage with first-floor storage, following demolition of existing garage

Consultations & Notification Responses

Neighbours – 3 letters of objection have been received. The main comments are:

- The garage and upper storage proposed would be sited abutting southern boundary of the application site, immediately to the rear of Nos. 5 & 7 Queensway. The structure would be approx. 8 metres in length and 5 metres in height, with twin dormer windows to western roof slope at first floor level. It is noted that the structure is configured to facilitate self-contained access to the first floor “store”, independent of access to the garage below.
- The structure would be just 10 metres from rear habitable room windows to 7 Queensway and just 6 metres from rear habitable first floor windows to 5 Queensway.

Clearly these distances are sub-standard and the structure will result in severe and unacceptable visual intrusion to such extent that planning permissions should clearly be withheld.

- The structure will also be unacceptably overbearing and impact negatively and significantly upon the enjoyment of rear gardens to Nos. 5 & 7 Queensway as result of visual intrusion. There will also be loss of privacy to the residential occupiers of the first floor flat at 5 Queensway and loss of privacy for such occupiers when using their rear garden area, as result of the twin dormers proposed at first floor level above the proposed garage. The position of those dormers, by virtue of close proximity and inter-visibility, will also result in loss of privacy for staff working in the first floor rear office of this Practice at 1 Queensway.
- The proposal is clearly contrary to the provisions of Policy DM1 of the adopted Manchester Core Strategy.
- Would again bring it to your Authority's attention that the application site has been subject to unauthorised development in recent years. Extensions approved under Application Ref No. 103833/FH/2013/S2 have not been built in accordance with approved drawings, in breach of Condition 2 attached to the permission, as result of which conditions of privacy and amenity have been unacceptably prejudiced for this Practice. It is also unclear as to whether or not approval of external finishes has been approved as required by Condition 3. There has also been provision of large front porch and raised hardstandings/steps to the front of the dwelling completely out of character with the surrounding area and the provision of extensive footings to the rear of the property. Whilst the permissions for the extensions was granted in November 2013, works have continued within the last 4 years. The unauthorised works were reported to planning enforcement several years ago, although no response was ever received.
- It seems highly improbable the upstairs is to be used as storage, and more likely used for accommodation. In the top right of the proposed plans it states 'Do not scale from these drawings'. I am aware of possible historic breaches regarding planning permission granted by MCC to the owner of the property. I notice only internal dimensions in the plan view of length and width and incomplete height information on the side elevation on these 'not to scale drawings', so clearly the height is not specified, and the drawings are not to scale. As only the internal dimensions are specified for length and width, if permission were granted, it wouldn't surprise me to see a meter or more difference between the internal specified dimensions and the actuality of what's built. With the internal height not even specified on a 'not to scale drawing' I think I can see how previous permissions may have been breached. Or were the permissions granted on such vague proposals, that in hindsight they cannot be objected to?
- At the moment the existing double garage is side on to the rear of number 7 Queensway, with its pitched corrugated asbestos roof sloping away and parallel to No 7's rear fence, allowing more light into my garden as it rises to its apex. The 'lean too' storage, at the rear of the non dimensioned garage (thereby cleverly hiding the size, scale and impact between what exists, to what's proposed) is not the full width as shown and as so is further from the rear fence, than what's shown in the drawings, being mainly below my rear 7' fence, with only its set back sloping roof slightly visible.
- The proposed plans will bring the structure right up to the rear fence of No 663, inline with my right side fence. (At the moment its 6 feet short, not including the hidden 'lean too') and beyond the width of my garden to a 'not to scale' amount. Unlike the existing garage whose front ends online with my fence, and more than double its width, likening it to house like proportions.
- The gable end of the proposed house/garage will be parallel to my rear fence two feet away, Its length is beyond the width of my garden, whose front and back vertical walls rise to an unspecified height, sloping up to a full width ridge of 5 or 6 or 7 meters, all at two feet from my back fence, severely restricting the light into my garden and closing in

the view of the skyline, to anyone in any rear room (at only 10 metres away) of number 7 and drastically so in the garden.

- Wheildon's Family Butchers (5 Queensway), together with commercial and residential properties situated at Nos. 1-7 Queensway, all about the application site immediately to the south. Kenyon Planning has 1st floor offices to its northern elevation, whilst there is residential accommodation with habitable room windows facing north at first floor above our shop at No. 5 Queensway. The property at No. 7 Queensway is a two-storey dwelling house with habitable room windows to northern elevation at both ground and first floor level.
- The garage and upper storage proposed would be sited abutting southern boundary of the application site, immediately to the rear of Nos. 5 (our property) & 7 Queensway. The structure would be approx. 8 metres in length and 5 metres in height, with twin dormer windows to western roof slope at first floor level. It is noted that the structure is configured to facilitate self-contained access to the first floor "store", independent of access to the garage below.
- The structure would be just 10 metres from rear habitable room windows to 7 Queensway and just 6 metres from rear habitable first floor windows to 5 Queensway. Clearly these distances are sub-standard and the structure will result in severe and unacceptable visual intrusion to such extent that planning permissions should clearly be withheld. The structure will also be unacceptably overbearing and impact negatively and significantly upon the enjoyment of our rear garden & also 7 Queensway as result of visual intrusion. There will also be loss of privacy to the residential occupiers of the first floor flat at 5 Queensway and loss of privacy for such occupiers when using their rear garden area, as result of the twin dormers proposed at first floor level above the proposed garage. The position of those dormers, by virtue of close proximity and inter-visibility, will also result in loss of privacy for staff working in the first floor rear office of this Practice at 1 Queensway. The proposal is clearly contrary to the provisions of Policy DM1 of the adopted Manchester Core Strategy. We trust that the current application will be refused as it should be.

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 DM1 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

As the proposal seeks to extend a residential property policy DM1 and saved policy DC1.1-1.6 are applicable.

Consideration has, however, been given as to whether the scale, massing, design and appearance of the extension is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area.

Scale and Massing

The proposed detached garage would be sited in the rear garden and would be adjacent to the shared boundaries of the properties on Queensway. The proposed double garage would have a dual pitched roof with dormers to provide a storage area above the garage, and would be approximately just over 5 metres in height, 8.3 metres deep and 8 metres wide.

Whilst the principle of erecting a detached garage to the rear garden is considered to be acceptable, what is proposed is overly large and bulky and would have a detrimental impact upon the amenity levels currently enjoyed by the neighbouring occupiers, due to the level of development proposed and the scale massing along the shared boundary with properties on Queensway.

Loss of light/overshadowing

Given the orientation of the proposal being directly to the north of properties on Queensway the proposal is unlikely to create any significant loss of light to the rear of these properties.

Residential amenity/visual amenity

The proposed garage would abut the shared boundaries with nos 5 and 7 Queensway and would form overly bulky and overly dominant structure along their shared boundaries.

Furthermore, the design and scale of the proposal would be out of keeping with the character of the area and form a visually prominent feature within the street scene.

Conclusion

For these reasons, it is considered that the proposal would have an unacceptable appearance as the resultant garage would have a bulky appearance with an overbearing massing and scale

and would not appear subservient to the existing dwelling to the detriment of neighbouring occupiers. In light of this, the proposed garage is considered to be unacceptable in terms of its appearance and would be detrimental to visual and residential amenity within the area and views within the streetscene contrary to saved policies DC1.1, DC1.2 and policies DM1 and SP1 of the Core Strategy.

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: REFUSE

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed outbuilding due to its excessive height and massing would form an overly dominant feature on the rear boundary, and would have an overbearing impact upon neighbouring occupiers to the detriment of their residential amenity, and would impact negatively upon the character of the area. Therefore, the proposal is contrary to saved policies DC1.1, DC1.2 of the UDP and policies DM1 and SP1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Hairdressing Salon Rear Of 1, Queensway, Manchester, M19 1QP
9 Queensway, Manchester, M19 1QP
2 Hurstfold Avenue, Manchester, M19 1RE
First Floor, 1 Queensway, Manchester, M19 1QP
3 Queensway, Manchester, M19 1QP
661 Kingsway, Manchester, M19 1SY
500 Kingsway, Manchester, M19 1JU
496 Kingsway, Manchester, M19 1JU
5 Queensway, Manchester, M19 1QP
1 Queensway, Manchester, M19 1QP
498 Kingsway, Manchester, M19 1JU
7 Queensway, Manchester, M19 1QP

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) -
Area Team Boundary - Name: SOUTH