

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126386/JO/2020

Date registered valid: 2 March 2020

Proposal: Removal of Condition 8 which restricted the use of the garage for the parking of motor vehicles attached to planning permission 097508/FO/2011/S2

Address: 101 Dene Road, Manchester, M20 2GU

Ward(s): Didsbury West Ward

Applicant: Mr S Majid 101 Dene Road, Manchester, M20 2GU

Agent (if any): Mrs Rebecca Thompson PIN Property Consultancy No.1 Dovecote, Old Hall Road, Sale, M33 2GZ

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: r.tyrer@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 23 April 2020

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit: None undertaken due to the Covid-19 pandemic. Reference has been made to the previously approved plans and Google street view images

Standard consultations:

Printed: 4 March 2020 Expired: 25 March 2020

Neighbour notifications

Printed: 4 March 2020 Expired: 25 March 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 application site relates to a modern two storey dwellinghouse completed under planning application reference 097508/FO/2011/S2



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature

Description of development

The applicant is seeking the removal of Condition 8 which restricted the use of the garage for the parking of motor vehicles attached to planning permission 097508/FO/2011/S2

Consultations & Notification Responses

Local residents/public opinion – No comments, objections or representations in support of the application have been received.

West Didsbury Residents Association – Commented that the application site was not within their boundaries.

Highway Services – Sought further clarification in respect of cars being able to park within the site and following further information they raised no further comments.

Issues

Manchester Core Strategy (2012)

Policies SP1, H1, H6, T2, EN1, EN18 and DM1

Unitary Development Plan for the City Manchester (1995)

Extant policies DC7 and DC26

Guide to Development in Manchester SPD (2007)

National Planning Policy Framework

Principle

Planning permission was granted for a 2 storey detached dwellinghouse with accommodation in the roofspace and associated landscaping, boundary treatments and car parking, following demolition of existing dwellinghouse.

It is understood that the property is now complete.

The applicant is seeking the removal of Condition 8 which restricted the use of the garage for the parking of motor vehicles attached to planning permission 097508/FO/2011/S2

This will be discussed below:

Use of Garage and Impacts on Car Parking

The original planning permission for the dwelling house had the following condition attached to it which removed permitted development rights to change the use of the garage into living accommodation.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no garage shall be used for any purpose which would preclude its use for the parking of a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies T2.4 and H2.2; of the Unitary Development Plan for the City of Manchester.

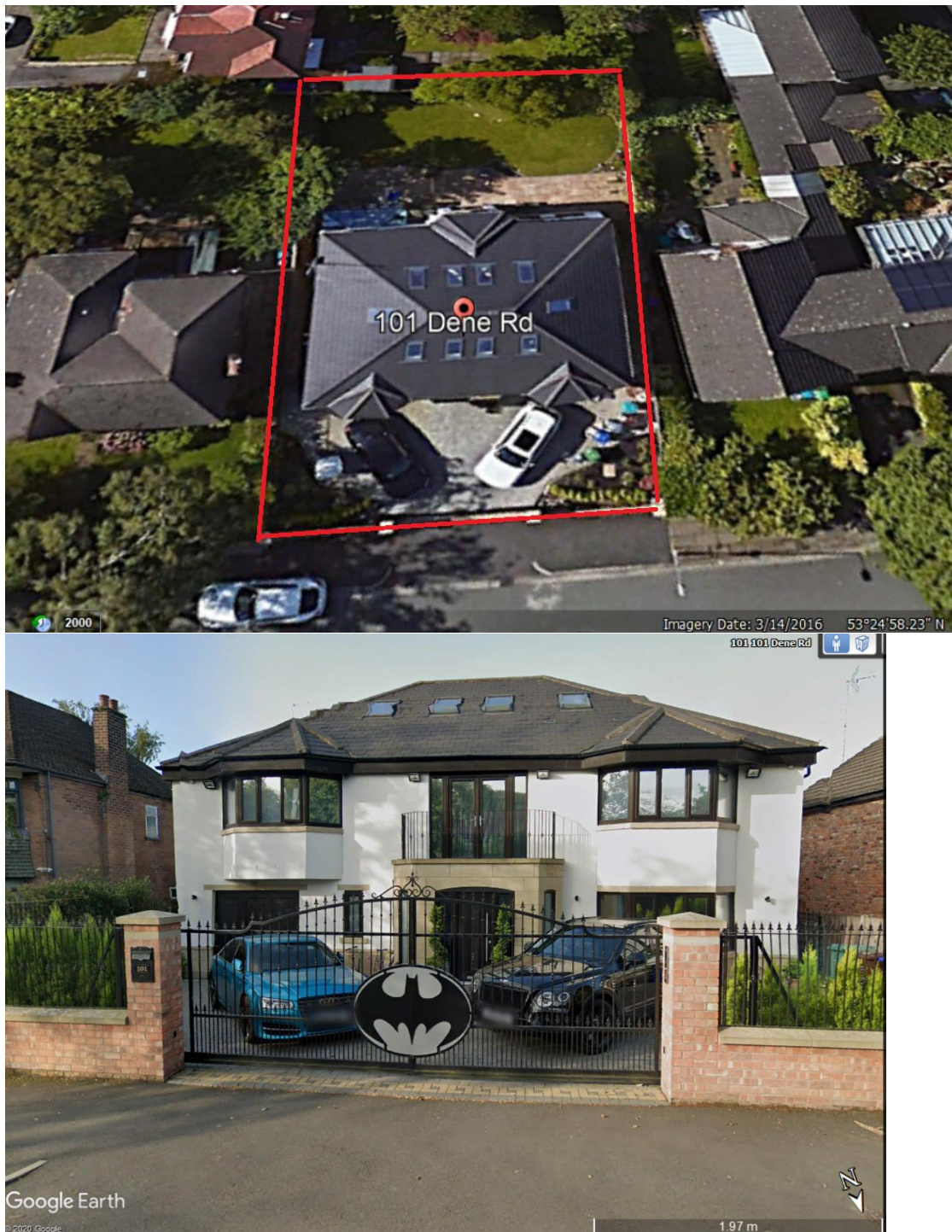
The reasoning for the condition was to ensure that the garage could be used for the storage of a motor vehicle and to prevent the increase in demand for on street car parking.

The covering letter submitted with the application indicates that *“The applicant has been living in the property for a number of years now and has found a need for an additional space for a study/living accommodation. As with many modern households the applicant does not make use of the garage for the storage of a vehicle, rather the space is used for other household storage/actually underused”*. Saved policy DC1 of the UDP requires that the council gives regards to the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs although this policy is more concerned with extensions it is relevant in cases such as this where families seek additional living accommodation. The adequacy of internal accommodation is also a key consideration of policy DM1 of the Core Strategy as well as adequate refuse storage and car parking.

The covering letter claims that the existing driveway is sufficient to accommodate 3-4 vehicles without any need for on street parking. Due to the Covid-19 Pandemic site visit was not undertaken in time and therefore photographs from Google Street View have been used image 1 and 2. As shown by both images at least 1 or 2 vehicles can be stored within the curtilage of the dwellinghouse. Furthermore the historic images taken from 2013 to 2019 do not show a high number of vehicles parked on Dene Road.

No objections or representations were received that raised car parking as an issue or the loss of the garage. Indeed highway services raised no concerns following submission of the images shown below to them.

Therefore whilst the condition was attached to ensure that there would be no increase in on street car parking, the photographs demonstrate that the site can accommodate at least two vehicles which is considered to be acceptable for a family dwellinghouse without adding to parking pressures on Dene Road. It is therefore recommended that this condition can be removed to allow additional living accommodation.



Images 1 and 2; Google Earth Images of the application Site

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:

Article 35 Declaration

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing 5315 P1/15, 5315 P2/15, 5315 P3/15, 5315 P4/15, 5315 P5/15, 5315 P6/15, 5315 P7/15, 5315 P8/15, 5315 P9/15, 5315 P10/15, 5315 P11/15, 5315 P12/15, 5315 P13/15, 5315 P14/15 and 5315 P15/15 stamped as received by the City Council as Local Planning Authority on the 5th January 2012.

Design and Access Statement stamped as received by the City Council as Local Planning Authority on the 4th October 2011

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.

2) Within 6 months of the decision hereby approved details of the measures incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation has been achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

3) The windows in the side 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

Highway Services

West Didsbury Residents Association

2 Westmorland Road, Manchester, M20 2TA

92 Dene Road, Manchester, M20 2GU

103 Dene Road, Manchester, M20 2GU

99 Dene Road, Manchester, M20 2GU

94 Dene Road, Manchester, M20 2GU

90 Dene Road, Manchester, M20 2GU

88 Dene Road, Manchester, M20 2GU

1 Dene Park, Manchester, M20 2GF

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

Area Team Boundary - Name: SOUTH