

## **Planning**

## **Growth & Development**

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

**Application no.** 143342/FO/2025

**Date registered valid:** 4 August 2025

**Proposal:** Erection of a two storey detached dwellinghouse, following demolition of existing timber outhouse/shed

**Address:** 7 Deepdale Avenue, Manchester, M20 1GU

**Ward(s):** Old Moat Ward

**Applicant:** Mr Muhammad Asif

**Agent (if any):** Mr Muhammad Dabeer Rana, MD Design Consultancy

**Case officer:** Katie Raw  
Tel: 0161 234 4164  
Email: [katie.raw@manchester.gov.uk](mailto:katie.raw@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 25 September 2025

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Dwellings

**Date of site visit:** 29 August 2025

### **Standard consultations:**

Printed: 13 August 2025    Expired: 4 September 2025

### **Neighbour notifications**

Printed: 13 August 2025    Expired: 4 September 2025

### **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:** No

**Tree Preservation Order:** No

The application site relates to 7 Deepdale Avenue within the south Manchester ward of Old Moat. The property sits to the north of Deepdale Avenue. Whilst the property previously sat close to the head of the cul-de-sac, residential development has taken place to the west and south of the site, which has in turn opened up the Avenue. As such, development to the immediate west and south is characterised by the two storey new build development (see planning reference: 116719/FO/2017 for further details). Development to the east is characterised by the same property types to that of the applicant site- a two storey, red brick, semi-detached dwellinghouse with hipped roof pushed against the eastern boundary of the site, with a north facing spacious garden.

## **Description of area**

The site relating to this application consists of the private amenity space of no.7 Deepdale Avenue and is sited against the western boundary of the site. At the time of the site visit this area took the form of a detached timber shed/structure with some areas of grass and some areas of hardstanding. The site is accessible from the road of Deepdale Avenue and has a site area of 572.7 square metres.

The surrounding area is residential in context and in the main consists of properties of a similar age/ character, except for the properties immediately to the west and south which are newer in age. The property sits to the south of the Fallowfield Loop, to the east of Princess Road and to the north of Mauldeth Road West.

## **Description of development**

The planning application seeks consent for the erection of a two storey detached dwellinghouse, following demolition of existing timber outhouse/shed.

The dwellinghouse would sit within the existing property's side and rear amenity space and the trees/ shrubs against the western boundary of the site would be removed as a result of the proposal. The property would be accessible from Deepdale Avenue and the existing level access/ drop kerb would be made enlarged to allow for the proposed driveway access.

The front elevation would face onto Deepdale Avenue with access from a front door. The property would take the form of a three storey (two storeys and a roof dormer), red brick gable roof dwellinghouse with a rear roof dormer and single storey element to the rear. The proposal would involve the insertion of three windows and a door with a canopy to the front elevation, an obscure glazed window to the western elevation, two obscure glazed windows and further window to the eastern elevation and five windows and a set of patio doors to the rear elevation.

The proposal would accommodate three bedrooms across three storeys.

The proposal would involve a front and rear garden and an off street parking space against the eastern boundary of the site.

Boundary treatment to be used across the site would involve:

- 1.8 metre high close boarded concrete post and panel fencing with 300mm trellis to 2.1 metre height.
- 2.1 metre high close-boarded timber gate.
- 0.9 metre high close boarded concrete post and panel fencing.
- Secure by Design transition panel between 0.9 high close boarded fence and 2.1 metre high close boarded/ trellis fence.
- 0.9 metre railing with flag on edge at low level.

Materials to be used would involve dark grey roof tiles, red facing brick, grey cladding board and grey steel window surround.

## ***Planning History***

The current application is a re-submission of 139670/FO/2024- Erection of a detached dwelling house. Refused 7 August 2024. The application was refused for the following reasons:

1) The erection of a detached dwelling house would result in an overbearing and overdominant feature to the applicant site by impacting the sense of openness for the existing property and would adversely impact the host property in terms of loss of light; both impacts are exaggerated by the existing orientation of the host property. This would undermine the living conditions of no.7 Deepdale Avenue. As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

2) The erection of a detached dwelling house would constitute an inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

3) The applicant has failed to provide sufficient details to fully assess the proposal. The following amendment to the Flood Risk Assessment is required to lift the objection received from the Manchester City Council Flood Risk Management Team:

- Assessment of the estimated flood level for the Site.
- Details of Finished Floor Levels set in accordance with Standing Advice.
- If floor levels cannot be raised in line with Standing Advice, details of flood resistance and resilience measures and access/escape plans in line with Standing Advice. The applicant has failed to provide details relating to the NPPG Standing Advice for Flood Risk Assessment, to the detriment of preventing the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. This is contrary to policies EN14 and EN17 of the Core Strategy.

4) The applicant has failed to provide sufficient details to fully assess the proposal. The access for the development is proposed close to the Thirlmere Aqueduct and United Utilities will not allow development in close proximity to critical assets. The developer must confirm the exact location of the infrastructure within the site boundary, so that the implications for the proposed site layout can be fully understood and redesigned, if necessary, prior to determination. The applicant has failed to provide details to the Thirlmere Aqueduct in relation to the proposal, to the detriment of preventing the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system by ensuring access to the Thirlmere Aqueduct. This is contrary to policies EN14 and EN17 of the Core Strategy.

The current application of 143342/FO/2025 seeks to overcome the refusal granted on the scheme in 2024. The width of the proposed dwellinghouse has been reduced by 1 metre which offers an enlarged gap to the boundary proposed in between the proposed and applicant property of 4 metres (previously 3 metres) (see Figure 1).

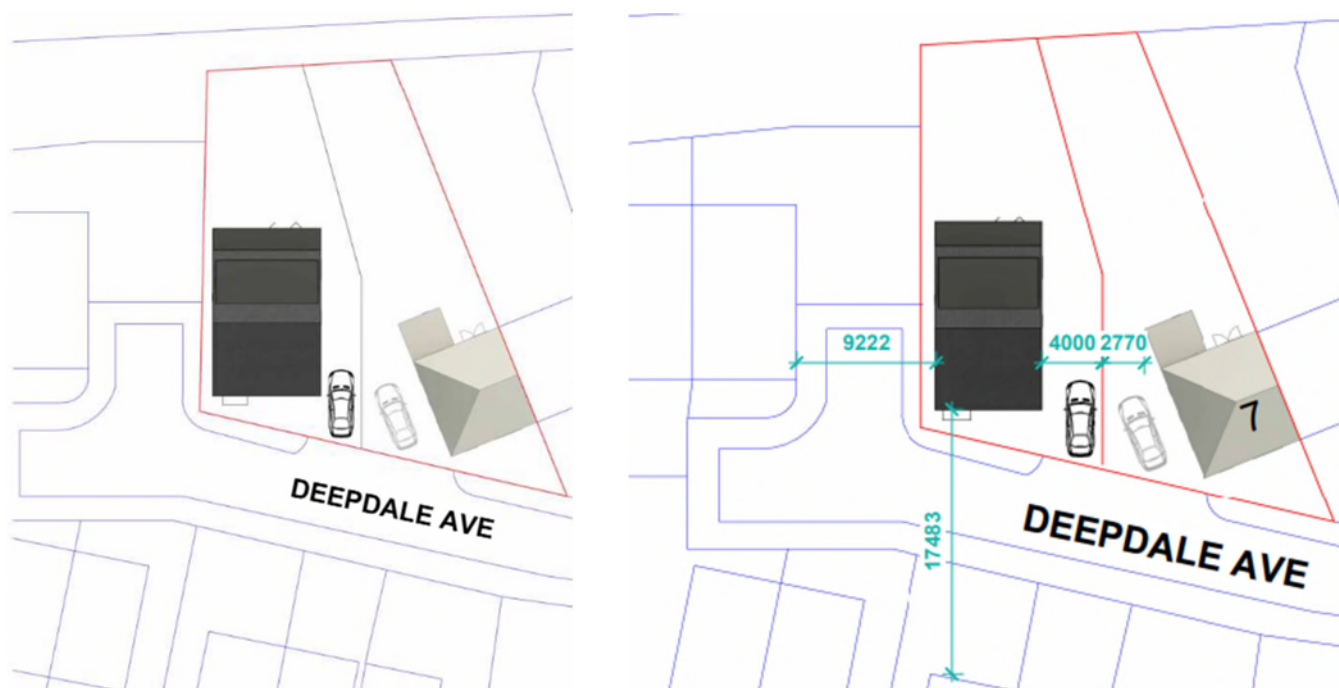


Figure 1, Site plan for 139670/FO/2024 (left hand image) and site plan for 143342/FO/2025 (right hand image)

In comparison to the 2024 application, further information was supplied in respect of the proposed materials and an analysis of the surrounding garden areas was supplied for review.

### *Negotiations during the Course of the Application*

The agent was advised that the LPA reviewed the application and were unable to support the application, as the amended scheme with a reduced width does not go far enough to overcome reasons for refusal 1 and 2 as per the decision notice for 139670/FO/2024.

### **Consultations & Notification Responses**

#### *Local Residents*

Two responses were received from local residents. The following matters were raised:

- The current applicant does not utilise their off street parking provision. The proposal would involve the reduction in the availability of on street parking spaces.
- One response recommended the installation of a minimum of one Swift nest brick planning condition to provide enhancement for biodiversity.

#### *MCC Highway Services*

The comments can be summarised as:

Given that the proposed development is resultant in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

The site is well accessed by sustainable modes. Regular bus services, tram services and railway services are available within walking distance of the site.

One driveway space will be located within the site's curtilage, thus equating to a provision of 100%. It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.

In order to provide access, the existing dropped kerb will be extended to provide access to the proposed driveway. It should be noted that highways will not accept anything greater than a double dropped kerb. Works to the adopted highway will require a S278 agreement.

Electrical Vehicle charging point (minimum 7kW) should be made available.

Secure and sheltered cycle parking provision should be in place.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Designated refuse storage has been accommodated for the dwelling with kerbside collection noted from Deepdale Avenue, as per the existing arrangements. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.

Informatives relating to construction management and section 278 agreements were provided for review.

### *MCC Environmental Health*

The Team requested the following conditions be attached to any approval granted:

- Demolition/ construction hours condition
- Refuse condition
- Contaminated land condition (CLAND01- New applications, no previous contaminated land conditions)
- Air Quality 2 condition (EVC & Boilers etc)

### *MCC Neighbourhood Team Leader (Arboriculture)*

The Team confirm they would have no objection to the proposals for this site, given the AIA recommendations are strictly adhered to.

### *MCC Flood Risk Management*

The Team requested a prior to commencement surface water drainage condition be attached to any approval granted. A prior to first use condition was requested to be attached to any approval granted. An informative relating to the underground River Medlock was also suggested.

### *United Utilities Water PLC*

The following comments were received:

In the absence of a detailed plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels), we are unable to assess any risk of sewer surcharge. In the absence of this information, UU request a pre-commencement condition relating to drainage to ensure that an appropriate, robust drainage solution is proposed and delivered.

If the new drainage proposes a connection to the sewers under a Section 104 agreement then agreed calculations will be required to support the hydraulic design of the S104. This is critical to discharging the suggested condition.

Detailed guidance notes were provided for review.

### *MCC Sustainable Travel*

The Team responded to confirm they had no comments to make on the application.

## **Issues**

### **POLICY**

#### *The National Planning Policy Framework (NPPF) (December 2024)*

The document sets out the Government's Planning Policies for England and how these are

expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective;
- b) a social objective; and,
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

*The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. Updated March 2024 following adoption of Places for Everyone Joint Development Plan*

The Core Strategy is the key document in Manchester's Local Development Framework. It 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.

Of relevance are:

Policy SP1 (Spatial Principles) (last bullet point of the policy removed following the adoption of the Places for Everyone Joint Development Plan).

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN 16 (Air Quality) (part of policy replaced by PfE policy JP-S5)

Policy EN19 (Waste)

Policy H1 (Overall Housing Provision) (part of policy replaced by PfE policy JP-H1)

Policy H6 (South Manchester)

Policy T1 (Sustainable Transport) (part of policy replaced by PfE policy JP-C1)

Policy DM1 (Development Management).

### *Unitary Development Plan Saved Policies*

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC7.1 states the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. All new developments containing family homes will be expected to be designed to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or noncritical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.

Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

#### *Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.*

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

#### *Manchester Residential Quality Guidance 2016*

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and raise the quality of life across Manchester. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management. The guidance sets standards for securing high quality and sustainable residential

development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures.

### *Places for Everyone (2022-2039)*

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024. The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:

JP- S1- Sustainable development

JP- H1- Scale, distribution and phasing of new housing

JP- H2- Affordability of new housing

## ISSUES

### *Principle of Development*

The submitted application seeks planning consent for the erection of a detached dwelling house. The creation of an additional dwelling house would create a new family house and is considered acceptable to help overcome the current housing shortage across Manchester and would be pursuant to Policy H1 and H6 within the Core Strategy (2012). The property would sit within a residential area which is characterised by more recent residential development (see planning ref: 116719/FO/2017 for example).

However, in this instance, the Local Planning Authority does not believe that the application site- amenity space linked to no.7 Deepdale Avenue- is a suitable development site. Whilst it is acknowledged development for a similar appearance of residential accommodation was approved and built under planning reference: 116719/FO/2017, the scheme developed empty land surrounding residential uses and following the demolition of two existing properties, and not land contained within a residential garden.

The current application of 143342/FO/2025 seeks to overcome the refusal granted on the scheme in 2024. The width of the proposed dwellinghouse has been reduced by 1 metre which offers an enlarged gap to the boundary proposed in between the proposed and applicant property of 4 metres (previously 3 metres) (see Figure 1). In comparison to the 2024 application, further information was supplied in respect of the proposed materials and an analysis of the surrounding garden areas was supplied for review.

In light of the existing refusal on the site and the amended scheme with additional supporting information, it is still not considered that the principle of development can be considered acceptable. It is considered over development of the site resulting in an unacceptable relationship to the detriment of the host property and would create a property that does not compliment the character and visual amenity of the local area. Reasoning for the decision will now be discussed in further detail.

### *Visual/ Residential Amenity*

The proposal would result in the existing amenity space connected with no.7 Deepdale Avenue

being split in two with the proposed dwellinghouse sited close to the west of the site. No.7 benefits from amenity space to the side and rear. However, neighbours to the east to the top of Deighton Avenue which have a similar house type and age are characterised by front gardens/driveways which the applicant site is not afforded. Given this consideration, the amenity space afforded to the applicant site is considered to provide off street parking in a different manner (to the side of the applicant site).

During the course of the application, an analysis was provided of the garden areas of the applicant and proposed property as well as the other neighbouring properties within the streetscene. This has been provided to justify that the site would still result in an acceptable amount of external amenity space for the host property of no.7 Deepdale Avenue. Whilst the LPA acknowledge the proposed development and no.7 after development would benefit from a decent amount of space in comparison to the neighbouring properties (proposed dwelling 120m<sup>2</sup> and no.7 after development 155m<sup>2</sup>), the resultant amount of external amenity space retained does not mitigate against the harm to the applicant property as a result of the proposal.

Given the applicant site benefits from a site with an eastern diagonal boundary, the orientation of the rear of the host property is in a north westerly direction. The proposed property would not sit on a splayed plot and would face in a northern direction. The primary elevation of the proposed dwellinghouse would sit further back from the highway than the host property.

Therefore, the proposed development would be visible from the applicant property from the rear windows and when the applicant property utilises their rear amenity space. A 2.1 metre boundary treatment would be sited closer to the amenity space of the applicant site than is currently the case. As a result, the proposal would be considered to create an overbearing feature to the existing property by negatively impacting the sense of openness for the existing property and adversely impact the enjoyment of the host property when utilising their property/rear amenity space.

Given the property is to be three storeys (2 storeys and a rear roof dormer), given it would be sited approximately 4 metres from the proposed boundary treatment separating the two properties and given it would be set back further from the highway than the host property, the property is considered to give rise to adverse implications in terms of overshadowing/ loss of light in the afternoon to the detriment of residential amenity. This is considered to impact no.7's enjoyment to their rear amenity space that they could reasonably expect to enjoy.

Within the applicant's supporting Planning Statement, it is understood that the orientation of the host property cannot be altered. It is not possible to effectively reduce the harm to the host property given the existing circumstances at the site. The overbearing feature would be contrary to DM1 of the Core Strategy where consideration must be given to the appropriate siting of a proposed development.

The current submission reduces the width of the proposed dwelling by 1 metre to increase the separation between the proposed development and proposed boundary treatment. However, this measure does not go far enough to overcome the adverse overbearing feature that would be caused from the proposal. The proposal would result in a loss of spaciousness and openness that the host property could expect to enjoy. The proposed dwelling would still sit further back than the existing property and would result in a cramped form of development. The boundary treatment proposed would still be sited in the same position and would reduce the sense of spaciousness currently experienced. Loss of light concerns would not be overcome with a reduced width of the proposed property. Whilst the agent shows the windows to be impacted within the host property relates to landing and bathroom windows and a small window within the single storey rear outrigger, the cramped relationship would be still felt when the host

property utilises their rear amenity space and such impact would still be felt by the revised scheme.

Within the supporting Planning Statement, reference is made to the relationship between other properties and the much smaller back gardens and windows that overlook the neighbouring property, including both corners of Deepdale Avenue and Deighton Avenue. However, it is due to the siting of the proposed house which sits further north than the host dwelling and the existing orientation of the host property which would face onto the proposed dwellinghouse which would result in significant harm.

Whilst it is acknowledged the property is to be constructed for a self-build purpose, consideration must be given to any future residents residing at the existing property and it is considered the proposed detrimental impacts in terms of loss of light and overbearing could not be supported.

As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

No concern is raised in regard to the impact to other surrounding neighbours.

### *Design, Scale and Appearance*

It is acknowledged that the property has been designed in a way to complement the existing residential development to the west and south of the site (see planning reference: 116719/FO/2017), in terms of design and appearance.

However, the proposal would result in the creation of a dwelling house within the garden space of no.7 Deepdale Avenue which is not considered a development site. No other development to this effect has taken place in the immediate area. Whilst it is acknowledged development for a similar appearance of residential accommodation was approved and built under planning reference: 116719/FO/2017, the scheme developed empty land surrounding residential uses following the demolition of two properties, and not land contained within a residential garden. As such, the approved new build development is not considered a suitable comparable circumstance. The revised scheme with a reduced width does not go far enough to reassure the LPA that the garden of no.7 is a suitable development site.

As such, the proposal would constitute an inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

### *Flood Risk*

Under the previous refusal of 139670/FO/2024, the 3<sup>rd</sup> and 4<sup>th</sup> reason for refusal related to flood risk and drainage matters:

*Reason 3) The applicant has failed to provide sufficient details to fully assess the proposal. The following amendment to the Flood Risk Assessment is required to lift the objection received from the Manchester City Council Flood Risk Management Team:*  
- Assessment of the estimated flood level for the Site.

- *Details of Finished Floor Levels set in accordance with Standing Advice.*
- *If floor levels cannot be raised in line with Standing Advice, details of flood resistance and resilience measures and access/escape plans in line with Standing Advice. The applicant has failed to provide details relating to the NPPG Standing Advice for Flood Risk Assessment, to the detriment of preventing the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system. This is contrary to policies EN14 and EN17 of the Core Strategy.*

Within the current application, a flood risk assessment is now submitted which contains information in relation to flood levels and finished floor levels. As such, the LLFA now request two standard conditions related to drainage requesting further information which is not contained within the submitted flood risk document. With the inclusion of conditions within the decision notice of any acceptable scheme, this would now not constitute a reason for refusal, as was previously the case.

*4) The applicant has failed to provide sufficient details to fully assess the proposal. The access for the development is proposed close to the Thirlmere Aqueduct and United Utilities will not allow development in close proximity to critical assets. The developer must confirm the exact location of the infrastructure within the site boundary, so that the implications for the proposed site layout can be fully understood and redesigned, if necessary, prior to determination. The applicant has failed to provide details to the Thirlmere Aqueduct in relation to the proposal, to the detriment of preventing the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system by ensuring access to the Thirlmere Aqueduct. This is contrary to policies EN14 and EN17 of the Core Strategy.*

Within the current application, the Thirlmere Aqueduct is shown on the submitted plan and so overcomes the reason for refusal on the previous scheme. United Utilities reviewed such documentation and suggested a pre-commencement condition. With the use of an appropriate condition, such reason or refusal is addressed.

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **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 was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a proactive manner. In this instance, concerns to the agent were raised during the course of the application. However, no revised proposal or additional information was supplied during the course of the application. A decision is made in a timely manner.

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

1) The erection of a detached dwelling house would result in an overbearing and overdominant feature to the applicant site by impacting the sense of openness for the existing property and would adversely impact the host property in terms of loss of light; both impacts are exaggerated by the existing orientation of the host property. This would undermine the living conditions of no.7 Deepdale Avenue. As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

2) The erection of a detached dwelling house would constitute an inappropriate form of development which would be out of keeping with the character and pattern of development in the local area. As such, the proposed development is contrary to policies DM1, H1 and SP1 of the Manchester Core Strategy, policy JP-S1 of Places for Everyone, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

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

Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
United Utilities Water PLC  
Oliver West (Sustainable Travel)

6C Deepdale Avenue, Manchester, M20 1GU  
6B Deepdale Avenue, Manchester, M20 1GU  
6 Deepdale Avenue, Manchester, M20 1GU  
6A Deepdale Avenue, Manchester, M20 1GU  
5A Deepdale Avenue, Manchester, M20 1GU  
4C Deepdale Avenue, Manchester, M20 1GU  
4B Deepdale Avenue, Manchester, M20 1GU  
4A Deepdale Avenue, Manchester, M20 1GU  
5 Deepdale Avenue, Manchester, M20 1GU  
8 Deepdale Avenue, Manchester, M20 1GU  
4 Deepdale Avenue, Manchester, M20 1GU

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Flood Zones Type 2 (low to medium risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: SOUTH AREA