

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142011/FH/2025
Date registered valid: 29 January 2025
Proposal: Part retrospective erection of outbuilding in rear garden area
Address: 15 Raja Ahmed Street, Manchester, M40 7RY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Gareth Coleman
Agent (if any): Mr Mark Mirams Studio Charrette
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 24 March 2025

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 26 February 2025

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 3 February 2025 Expired: 24 February 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

Description of site / building / area

The application relates to a new build, 3 storey, semi-detached dwellinghouse within a residential setting of Miles Platting & Newton Heath ward. There is existing amenity space along the front, side and rear elevation; together with boundary treatment, approximately 1.8 metres high along the rear perimeter. Off-street car parking along the frontage. There is an existing timber frame outbuilding along the rear garden, which is sited along the common boundary of no. 5 Raja Ahmed Street. The existing outbuilding has been the subject of a previous planning application (reference number: 141023/FH/2024)



(Site visit, 26.02.2025)



The site faces onto the Rochdale Canal and shares common boundaries with nos. 3, 5, 13, 17 Raja Ahmed Street and nos. 9 and 11 Holland Street.

Nos. 3 and 5 Raja Ahmed Street are along a short row of three, two storey, terrace houses along the eastern boundary of the application site. Due to the nature of this housing arrangement, the submitted information indicates a shared access /alleyway along the rear boundaries of nos. 3 and 5 Raja Ahmed Street. This access appears to continue along the rear boundaries of nos. 7 - 13 Raja Ahmed Street.

The existing timber frame outbuilding along the rear garden (and also the subject of this application) is sited along the common boundary with no. 5 Raja Ahmed Street. Whilst there is a separation of approximately 11.6 metres from no. 5 Raja Ahmed Street, no. 5 Raja Ahmed Street is a two storey building; coupled with the fact that the existing outbuilding along the rear garden is of pitched roof configuration, and thereby, visually prominent above the existing party fence line, and in terms of outlook from the immediate properties and gardens along this elevation. It also appears to overhang the existing fence line.

Site History:

- 141023/FH/2024 - Retention of detached outbuilding in rear garden, REFUSED 08.11.2024
- 121401/FO/2018 - Erection of 57 properties with a mix of two and three storey semi-detached / terraced properties and six apartments in one block with associated road access, parking and landscaping, APPROVED 18.01.2019

The planning permission granting consent for the housing development on the site - (reference number: 121401/FO/2018) includes a condition removing permitted development rights:

Condition 30

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 garages, extensions outbuildings or front boundary treatments shall be erected other than those expressly authorised by this permission.

Reason - To secure a satisfactory development and in the interest of residential and visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Description of development

The submitted application relates to a part retrospective erection of outbuilding along the rear garden area.

This latest application seeks to retain the outbuilding in its existing location. However, it is now intended to reduce the height of the outbuilding by way of a redesigned roof, involving the removal of the existing pitched roof with replacement flat roof.

The proposal would be sited along the common shared boundary with no. 5 Raja Ahmed Street, whilst leaving a small gap of approximately 102mm from the common shared boundary fence. It retains a separation distance of approximately 8903mm from the rear building line of the application property and a separation of approximately 3534mm from the common shared boundary with nos. 9 and 11 Holland Street. It would measure approximately (4850mm deep x 3010mm wide x 2300mm maximum height).

The submitted information refers to the structure as a wooden garden gazebo, sat on concrete slabs (50mm thick) secured by brackets and screws. It sits next to the left side boundary wall, half way down the garden. It comprises of 6 x 6" wooden posts holding up the structure.

Consultations & Notification Responses

1. Local residents / public opinion

Occupiers of properties surrounding the application site were notified of the proposal. No comments were received.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (December 2023)

The central theme to the revised NPPF is to achieve sustainable development. The government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role. The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits when assessed against the NPPF. Relevant to this application is:

- Chapter 12: Achieving well-designed places.

2. Places for Everyone (2022 - 2039)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies in relation to jobs, new homes and sustainable growth for nine of the 10 boroughs which make up Greater Manchester. The Plan and its policies are a material planning consideration in the determination of planning applications and therefore be given significant weight in the planning balance. The following policy is considered to be relevant:

- JP-P1 - Sustainable Places

3. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following Core Strategy policies are relevant to the proposed development:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)

4. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

5. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 -

- Chapter 2: Design

Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

ISSUES

Principle of development

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers. Moreover, the principle of a development ancillary to the residential use of the existing dwellinghouse is also considered acceptable. Notwithstanding these factors, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and Visual Amenity

(Part retrospective erection of outbuilding in rear garden area) - In light of the previous planning application (reference number: 141023/FH/2024); although this latest application seeks to retain the outbuilding in its existing location; it is now intended to reduce its height by way of a redesigned roof, involving the removal of the existing pitched roof with replacement flat roof. The proposed maximum height at approximately 2300mm is considered to be acceptable; thereby reducing the visual prominence above the existing party fence line and improving the outlook for the immediate occupiers and from the immediate neighbouring gardens. The overhang above the existing fence line would also be mitigated by the proposed flat configuration. In addition, given the maximum height of the existing boundary fence at approximately 1800mm, the proposed flat roof outbuilding measuring approximately 2300mm high, would project approximately (500mm), above the existing fence line (300mm above a permitted development fenceline measuring 2m). This variance is therefore considered nominal to present any significant overbearing massing impacts to the residential and visual amenity of the neighbouring occupiers, specifically, nos. 3 and 5 Raja Ahmed Street.

Moreover, had permitted development rights not been removed by way of the planning permission that granted consent for the housing development on the site - (reference number: 121401/FO/2018), the proposal along the rear garden, measuring approximately (4850mm deep x 3010mm wide x 2300mm maximum height), would not have required an application for planning permission in the first instance.

For these reasons, and on balance, it is considered that the proposed part retrospective erection of an outbuilding along the rear garden as ancillary to the residential use of the existing dwellinghouse would not adversely impact on residential and visual amenity. The proposed development would also not affect the relationship of the site for configuration of neighbouring houses. It is however recommended that further conditions are attached ensuring that the outbuilding would only be used ancillary to the main dwellinghouse and a condition attached to the proposed flat roof design. On this basis, it is considered that the development responds positively to Core Strategy policies SP1, DM1 and EN1 and saved Unitary Development Plan policy DC1.

(Design and appearance) - As previously mentioned, although this latest application seeks to retain the outbuilding in its existing location; it is now proposed to reduce its height by way of a redesigned roof, involving the removal of the existing pitched roof with replacement flat roof. On this basis, it is considered that given the reduced height of the roof, and the resultant contextual relationship along the common shared boundary with nos. 3 and 5 Raja Ahmed Street any

adverse impacts from undue visual intrusion would be significantly mitigated. Moreover, the external facing materials would broadly mirror the existing boundary treatment. It is therefore considered acceptable in terms of design and appearance, pursuant with the requirements of Core Strategy policies DM1 and EN1 and saved Unitary Development Plan policy DC1.

(Waste management) - The existing arrangement would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document Policy EN19 and saved Policy DC1 of the Unitary Development Plan.

(Car parking) - The existing arrangement would be unaffected by the proposal, pursuant with The Manchester Core Strategy Development Plan Document Policy DM1 and saved Policy DC1 of the Unitary Development Plan.

Conclusions - For the reasons outlined above, and on balance, and subject to planning conditions, it is considered that the proposal is acceptable; pursuant with to The National Planning Policy Framework (2023) chapter 12; policies SP1, DM1, EN1, EN19 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and policy JP-P1 - Sustainable Places of Places for Everyone (2022 - 2039).

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: Approve

Article 35 Declaration

The local Planning Authority in its decision has had due regard for the National Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. In this instance, the local planning authority had no issues to raise with the agent but have attached appropriate conditions to the approval.

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

1) The development hereby approved by 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:

- Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 29 January 2025.
- Design & Access Statement, received by the City Council as the Local Planning Authority on 29 January 2025.
- Location and Block Plans with application site edged in red, Drawing No. P1, received by the City Council as the Local Planning Authority on 29 January 2025.
- Existing GF AND ROOF PLAN, Drawing No. P3, received by the City Council as the Local Planning Authority on 29 January 2025.
- Existing & Proposed ELEVATION, Drawing No. P5, received by the City Council as the Local Planning Authority on 29 January 2025.

- Proposed GF AND ROOF PLAN, Drawing No. P4, received by the City Council as the Local Planning Authority on 29 January 2025.
- PREVIOUS PLAN, Drawing No. P2, received by the City Council as the Local Planning Authority on 29 January 2025.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies SP1 and DM1 of the Core Strategy (2012).

3) The external facing materials to be used on the development hereby approved shall be those stated in the submitted planning application form and as shown on the approved drawings: Existing & Proposed ELEVATION, Drawing No. P5; and Proposed GF AND ROOF PLAN, Drawing No. P4, both received by the City Council as the Local Planning Authority on 29 January 2025.

Reason - To ensure that 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 policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the outbuilding hereby approved other than those shown on: Existing & Proposed ELEVATION, Drawing No. P5; and Proposed GF AND ROOF PLAN, Drawing No. P4, both received by the City Council as the Local Planning Authority on 29 January 2025.

Reason - In the interest of residential amenity, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policy DM1 of Manchester's Local Development Framework: The Manchester Core Strategy (2012).

5) The flat roof of the extension(s) shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason - To safeguard the amenities of the adjoining premises for overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

6) The outbuilding hereby approved and as shown on: Existing & Proposed ELEVATION, Drawing No. P5; and Proposed GF AND ROOF PLAN, Drawing No. P4, both received by the City Council as the Local Planning Authority on 29 January 2025 shall not be used as a self-contained living unit, or business, and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 Raja Ahmed Street, Manchester.

Reason: To ensure the use remains ancillary to the principle use on the site, as a single dwellinghouse, in the interest of residential amenity, pursuant to saved policy DC1 of the Unitary

Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, and for the avoidance of doubt, as any proposal to use the outbuilding as a self-contained living unit, or business would require planning permission.

Appendix 1 – List of consultees & neighbours notified

13 Raja Ahmed Street, Manchester, M40 7RY
17 Raja Ahmed Street, Manchester, M40 7RY
3 Raja Ahmed Street, Manchester, M40 7RY
5 Raja Ahmed Street, Manchester, M40 7RY
11 Holland Street, Manchester, M40 7QZ
9 Holland Street, Manchester, M40 7QZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA