

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141573/FO/2024
Date registered valid: 18 December 2024
Proposal: Retrospective planning application for the erection of a pair of garages.
Address: 26 And 28 Clothorn Road, Manchester, M20 6BP
Ward(s): Didsbury East Ward

Applicant: Elizabeth Baker & Simon Csoka, Euan Green & Sandhir Green
Agent (if any): Tomislav Vuletic FLOCC Studio Ltd
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 12 February 2025



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10 January 2025

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 19 December 2024

Expired: 12 January 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/area

26 and 28 Clothorn Road are two three storey detached dwellinghouses located in a residential neighbourhood to the northeast of Didsbury District Centre. They are adjoined on all sides by residential properties, with those at the rear fronting Raynham Avenue.



Between nos. 26 and 28 Clothorn Road there used to stand a pair of wooden built garages which were in a somewhat dilapidated condition and overgrown with ivy, the front of which can be seen below:



These were demolished and replaced by a pair of brick built garages, which are the subject of this planning application. These can be seen below:



Listed building: No
Conservation area: No

Tree Preservation Order: No

Description of development

As stated above the applicants are applying retrospectively to erect a pair of semi-detached garages. They are constructed from brick and topped by tiles.

Consultations & Notification Responses

Local Residents – Correspondence has been received from three residents who reside in dwellings at the rear of the site. The comments are summarised as follows:

- The new structure, which replaces the original garages, includes a pitched roof with an apex height of approximately 3.5m to 4m. The previous structure was much closer in height to the neighbouring fence, which is approximately 2.5m high. The new structure significantly exceeds the allowable height, making it non-compliant with planning guidelines.
- The new structure, due to its excessive height, is extremely imposing and negatively impacts the outlook from the properties at the rear. It dominates the view from adjoining gardens and significantly reduces the enjoyment of outdoor spaces. This adverse impact would not have occurred had the structure adhered to the 2.5m.
- The previous structure was partly masked by the growth of plants which obscured the structure. However, the structure is built right up against the boundary wall, as a result there is little space to plant screen vegetation.
- While landscaping may temporarily soften its impact, it is not a permanent solution. There is no guarantee that future owners of the property will maintain the landscaping, leaving us exposed to the ongoing issue of the imposing structure. It is therefore vital that the height of the structure is reduced to a compliant level to resolve this matter permanently.
- The application fails to explain why retrospective consent is being sought. There is no indication of why the structure was built to these dimensions or why compliance with planning regulations was not adhered to in the first instance.
- There is no objection to a like-for-like replacement of the original garage, which was closer in height to the neighbouring fence and complied with planning permitted development regulations.
- A landscaping scheme should be implemented which screens the development and adjoining residents should be allowed to grow plants against the garage wall and roof, again to help screen the proposal.

Policies

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or
 - ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such 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 significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles*, - 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- 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, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.

- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Saved UDP Policies – Policy DC1, *Residential Extensions*. – 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 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 street-scene;
- e) the effect of the loss of any on-site carparking.

Policy 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 the original buildings);
- b) they do not create an 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 street scene by virtue of design, use of materials or constructional details;
- d) they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Policy DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a) rearward extensions greater than 3.65m (12 ft) in length;
- b) 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c) 2-storey extensions to terraced properties which occupy the full width of the house;
- d) flat roofed extensions to bungalows;
- e) extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.4 states that in considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a) the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b) the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c) the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the

side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

Issues

Principle of the Proposal – It is acknowledged that not every dwelling in this part of Didsbury has a garage, primarily due to the lack of an adequate driveway as the estate was constructed in the late 19th Century/early 20th Century. However, there are examples of garages and other types of outbuildings to be seen throughout the neighbourhood, as shown circled below in yellow:



Given the predominantly residential nature of the area and the existence of the previous garages, there is no objection in principle to the provision of a pair of replacement garages at the rear of these dwellings. Notwithstanding this, any impact upon residential and visual amenity must be assessed.

Design of the Garages – The garages have been constructed from red brick and topped by red concrete tiles in the form of an open gabled roof, the garages can be seen below:



Given the form and materials that have been used, the design of the garages is considered to be acceptable and it is not believed that they would harm the overall character of the area.

Siting – The location of the garages, at the rear between the two dwellings, is considered acceptable.

Residential Amenity – A number of factors have been assessed in order to judge the impact of the proposal upon residential amenity:

Impact upon Privacy – Due to the lack of windows in the proposed garages, it is acknowledged that they would not result in the overlooking of adjoining dwellings or any associated gardens.

Noise – Given the domestic nature of the activity that would be associated with the use of the garages, it is not considered that the proposal would be an inherently noise generating development.

Overshadowing – Due to the siting and height of the garages it is not considered that the proposal would have a significant impact in terms of the overshadowing of any of the adjoining gardens.

Overall, it is not considered that the proposal would have an unduly detrimental impact upon the levels of residential amenity currently enjoyed within the vicinity of the site.

Visual Amenity – It is recognised that the previous garages, the rear views of which are seen below, were smaller in height and overgrown with ivy and other vegetation. However, while the replacement garages are taller (2.6m at the eaves and 3.9m at the ridge), they are not dissimilar in height to other such structures seen throughout Didsbury. While the increase in height would have some impact on the outlook from the adjoining rear gardens on Raynham Avenue it is not considered that this is of such a level to warrant refusal of the application.



Pedestrian and Highway Safety – The proposal would not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along this section of Clothorn Road.

Landscaping – A number of residents have raised the possibility of landscaping to screen the proposal.

In terms of the gap between the rear of the garages and the boundary fence, this would be too overshadowed to ensure that anything planted in that location would flourish sufficiently to provide a screening effect. Planting on either side of the garages was raised with the applicants. Those residing at no. 26 confirmed it is their intention to plant a robust flowing evergreen shrub to complement the existing apple tree, while the residents of no. 28 have highlighted the existing vegetation that exists to the side. It is considered that the proposed existing planting would soften oblique views of the garages once matured.

It is not considered necessary in this instance to impose a condition regarding the provision of screening planting.

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

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

1) The development hereby approved shall be carried out and thereafter maintained in accordance with the following drawings received on 22 November 2024:

- a) Drawing nos. TP2.1, TP2.2 and TP3.1
- b) Drawing nos. WD5.1 and WD5.2

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

3 Raynham Avenue, Manchester, M20 6BW
43 Clothorn Road, Manchester, M20 6BP
41 Clothorn Road, Manchester, M20 6BP
30 Clothorn Road, Manchester, M20 6BP
1 Raynham Avenue, Manchester, M20 6BW
47 Clothorn Road, Manchester, M20 6BP
45 Clothorn Road, Manchester, M20 6BP
26 Clothorn Road, Manchester, M20 6BP
24 Clothorn Road, Manchester, M20 6BP
4 Clayton Avenue, Manchester, M20 6BN

Appendix 2 – Planning constraints

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