Planning

Growth & Development

Delegated officer report for planning application

Application no.	141023/FH/2024
Date registered valid:	13 September 2024
Proposal:	Retention of detached outbuilding in rear garden
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:	Refuse
Date of recommendation:	7 November 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 October 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 26 September 2024 Expired: 17 October 2024

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.

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 outbuilding to be retained is sited within the rear garden of the application site and along the rear boundary of no. 5 Raja Ahmed Street with the shared access /alleyway. 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 outbuilding to be retained is visually

prominent above the existing party fence line, and in terms of outlook from the immediate properties and gardens along this elevation. The outbuilding to be retained also appears to overhang the existing fence.





(Officer's site visit, 07.10.2024)

Site History:

- 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.

- No pre-application advice was sought from the local planning authority in relation to this application

Description of development

The submitted application seeks the retention of detached outbuilding along the rear garden.

The planning agent was advised early on during the application process that there were significant concerns with the submitted plan. Correspondence was sent to the planning agent, (dated, 28/10/24, 07/11/24) expressing the concerns relating to the proposal and requesting confirmation regarding how they wished to proceed with the application within specified timescales. To date, no further communication has been received from the planning agent. The proposal cannot be supported in its current form and therefore will be recommended for refusal.

The outbuilding to be retained is sited along the rear garden, along the boundary with no. 5 Raja Ahmed Street, whilst leaving a small gap of approximately 102mm from the boundary fence. It retains a separation 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 comprises of a pitched roof and measures approximately 4850mm deep x 3510mm wide x 2900mm high.

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

Occupiers of properties surrounding the application site were notified of the proposal. Whilst no comments or objections have been received in response to this application from local residents, planning enforcement records indicate a complaint having been registered in relation to an unauthorised erection of a single storey outbuilding to the rear, (reference number: ENF/15853/24).

POLICY

The following guidance, policy and legislation are considered to be relevant to the proposed development.

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

2. The National Planning Policy Framework (NPPF), (2021) -

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 has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

3. 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 polices are considered to be relevant:

- JP-S1 - Sustainable development

4. 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)

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

- Saved Policy DC1 for Residential Extensions.

6. 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

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC1.1, DC1.2 and DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

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.

In this instance however, the principle of the proposal is considered unacceptable by virtue of the size and scale, overbearing massing impact, visual intrusion; coupled with its siting and encroachment matters; which means the application cannot be approved. It is therefore believed that there are factors of sufficient weight that would warrant the refusal of this application.

Residential and Visual Amenity

Having assessed the submitted plan, and on balance, the structure to be retained is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and EN1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

As previously stated, the planning permission which granted consent for the housing development on the site - (reference number: 121401/FO/2018) includes a condition removing permitted development rights. Had permitted development rights not been removed; in this case, due to its location within 2 metres of the boundary and the maximum height at approximately 2.9 metres the structure would still not constitute permitted development.

The outbuilding to be retained is sited within the rear garden and along the rear boundary of no. 5 Raja Ahmed Street (eastern elevation). There also appears to be a shared access / alleyway which appears runs along the rear boundaries of most of the properties along this elevation and therefore the structure is highly visible from most properties along the rear of the site. In addition, notwithstanding the existing boundary fence - (approximately 1.8m high), it is considered that the siting, scale and mass of built form is unduly visually intrusive and

overbearing. Moreover, due to the overall height of the outbuilding, together with the roof configuration, coupled with the projection above the existing fence line, it forms an overly dominant feature in terms of outlook from the immediate neighbouring properties and gardens; in particular, nos. 3, 5,13, 17 Raja Ahmed Street and nos.9 and 11 Holland Street; which is considered contrary to saved UDP policy DC1.1 b), DC1.1 d), DC1.2 b); policy DM1, EN1 of the Core Strategy; and the guidance set out in the Guide to Development in Manchester Supplementary Planning Document.

Conclusion

In this instance, it is considered that the outbuilding does not sufficiently accord with the principles of the policy documents outlined above. Although the intended use is incidental, on balance, it is considered that if the outbuilding were to be allowed, it would set precedent and the harm caused far outweighs its ancillary purpose; to the detriment of the immediate neighbouring occupiers; in particular those occupiers of nos. 3, 5,13, 17 Raja Ahmed Street and nos.9 and 11 Holland Street; which is contrary to The National Planning Policy Framework (2021) chapter 12; policies DM1, SP1, EN1 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 cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal, therefore, cannot be supported by the Local Planning Authority.

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 polices 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

Officers have communicated their concerns about this proposal during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The outbuilding to be retained by reason of its scale, massing, design and its relationship along the common shared boundary with nos.3 and 5 Raja Ahmed Street and shared access would form an overly dominant and visually overbearing feature to the detriment of the current and future occupiers of neighbouring properties, and as such is contrary to The National Planning Policy Framework (2021) chapter 12; policies DM1, EN1and SP1 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).

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