

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140914/FH/2024
Date registered valid: 25 September 2024
Proposal: Erection of a single storey outbuilding within rear garden.
Address: 4 Penketh Avenue, Manchester, M18 7DG
Ward(s): Longsight Ward

Applicant: Ms Maryem Muhammad
Agent (if any): Mr M Farooq Building Design Services
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 19 November 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 19 July 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 8 October 2024 Expired: 29 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

Application site relates to a two storey mid-terraced dwellinghouse with both front and rear gardens. The property is set within a cul-de-sac which forms a boundary with the Belle Vue Speedyway, which forms a largish footprint on a predominantly residential area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The applicant has applied for planning permission to retain a partially constructed outbuilding located in the rear garden of the property.

Description of development

The applicant is applying for planning permission to erect a single storey outbuilding within rear garden.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local Residents/Public Opinion – Two representations were received objecting to the proposal both raising concerns regarding the visual appearance of the building and concerns with the

overall build quality. Objectors also raised concerns with the overall size of the building in the rear garden and its proximity to neighbouring boundaries.

Issues

Planning History

There has been one previous planning application at this address:

140093/FH/2024

Erection of a single storey outbuilding in rear garden

Refused 02.08.2024

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

DM1 – Development Management 1

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st arch 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (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. National Planning Policy Framework (NPPF) seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The proposal relates to an outbuilding that is proposed to be used as a garden store. An ancillary use which might include activities which are typically part and parcel of use as a dwellinghouse, such as sleeping, cooking or eating meals or relaxing in a lounge or living room; an incidental use does not include such activities.

The applicant had previously applied to retain the outbuilding that has partially been built on site under planning application 140093/FH/2024. The application was refused for the following reasons:

1) The outbuilding has resulted in the loss of private amenity garden space, the size and proximity of the outbuilding also has a detrimental impact on the amenity of both the current and future occupiers of the property.

As such, the proposal is considered to be contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.

2) The size of the outbuilding has the appearance of a physically separate unit of residential accommodation, which is out of keeping with the character of the area; its residential design and internal layout has all the characteristics and potential to incorporate the facilities so that it may be occupied as an independent form of residential accommodation, rather than being incidental or ancillary to the primary building.

The relationship of the proposed additional living accommodation to that of the principal building, increases the potential for noise, activity, and disturbance that would be detrimental to the living conditions of the existing and future occupiers of the main property, and that would result in harm to the character and appearance of the surrounding area, and the living conditions of neighbouring properties.

As such, the proposal is considered to be contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.

The current application seeks to reduce the size of the outbuilding and thus allowing for more amenity space for the current and future occupiers.

Further consideration will be given as to whether the proposal has any impact on surrounding visual amenity and the effect upon the amenity of neighbouring occupiers.

Residential and Visual Amenity –

The proposed outbuilding would be set back well away from the road and in the rear garden of the application site and would be for the most part completely screened from the public view by the existing timber fences although there is possibility of very small view from corner of Penketh Avenue and Stanley Grove when viewed between No.2 Penketh Avenue and No. 193 Stanley Grove

The proposed outbuilding if approved would be located near to the rear boundary fence (north east) of the garden next to the shared boundary with no. 195 Stanley Grove. The applicant intends to reduce the size of the outbuilding, to one that would have a maximum height of 2.7 metres with a slight lean to roof reducing to 2.6 metres at the rear, a width of 5.4 metres and a length of 2.6 metres.

In terms of materials the outbuilding is proposed to be blockwork and that its purpose is for storage.

Concerns have been raised regarding the loss of privacy and that the current outbuilding can be seen from ground floor windows, however the outbuilding in its proposed position would be more visible from first floor windows, but this is a common occurrence in close knit residential areas such as this. In all these circumstances the amenities of neighbours will not be harmed by the reduce size and new location of the outbuilding.

Furthermore, under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the applicant could be a similar outbuilding with a maximum height of 2.5 metres. The importance of noting this is that when deciding on an application may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to carry out the development.

In this case it would broadly be very similar to one that could be constructed under the GPDO.

Matters regarding built quality are noted but the outbuilding on site would have to be removed in order to construct the new outbuilding.

A condition is recommended to ensure that a condition is attached to ensure that the proposed outbuilding is ancillary to the use of the main dwellinghouse.

Car Parking and Refuse Storage – Car Parking and refuse storage would be unaffected by the proposal.

Conclusion - The extension is considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The development 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:

Drawing 2159/1A

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

3) The outbuilding hereby permitted shall be used for purposes incidental to the residential use of the dwellinghouse and shall not be used as ancillary accommodation.

Reason - To ensure that the use of the development is acceptable to the City Council as local planning authority in the interests of the residential amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

197 Stanley Grove, Longsight, Manchester, M18 7DL
6 Penketh Avenue, Manchester, M18 7DG
National Speedway Stadium Belle Vue Arena, 148 Kirkmanshulme Lane, Manchester, M12 4WB
195 Stanley Grove, Longsight, Manchester, M18 7DL
193 Stanley Grove, Longsight, Manchester, M18 7DL
8 Penketh Avenue, Manchester, M18 7DG
2 Penketh Avenue, Manchester, M18 7DG

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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA