

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140886/FO/2024

Date registered valid: 17 September 2024

Proposal: Retrospective application to convert outbuilding to a 2 bed detached dwellinghouse.

Address: 73A Palatine Road, Manchester, M20 3LJ

Ward(s): Didsbury West Ward

Applicant: Mr Muhammed Arshad Ali

Agent (if any): Mr Ahmed Choudhry, NADA Architects

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 12 November 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 7 October 2024

Standard consultations:

Printed: 25 September 2024

Expired: 16 October 2024

Neighbour notifications

Printed: 25 September 2024

Expired: 16 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/area

The application property comprises a detached single storey property in the rear carpark area of no.73 Palatine Road, a large three-storey semi-detached Victorian villa. This host property has been subdivided into nine self-contained apartments in the 1980s. Access to the self-contained unit (formerly the ancillary storage outbuilding for no.73) is taken off Palatine Road. This unit shares the communal off-street car parking area with the nine flats within No.73. The application property, no.73a, is faced in cement blockwork with uPVC cladding and a pan-tiled roof. Internally the unit comprises a kitchen/living room, two bedrooms and shower room, providing 57.69m² gross internal floor area.

The area is predominantly residential in character, comprising a variety of properties. The application site is entirely surrounded by residential properties and is considered as a Back-land site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Principal elevation of the retrospective development at 73a Palatine Road



Figure 2. Side and rear view of the retrospective development at 73a Palatine Road

Description of development

This application seeks retrospective consent to retain a self-contained dwellinghouse (use class C3) to the rear of no.73 Palatine Road, formerly the ancillary storage outbuilding in the existing resident carpark.

Consultations & Notification Responses

Local responses

One letter of representation was received from local residents raising the following concerns:

- Incomplete notification of residents – *Whilst this is duly noted, the LPA has formally issued neighbour notification letters to all adjacent properties, the dispatch and responsibility of complete delivery of these letters are under the remit of the Post Office not the City Council.*
- Development blocks light to adjacent amenity spaces due to increased height
- The wording of the retrospective application is disingenuous: it is in no sense a 'conversion' of an existing outbuilding. Construction of new outbuilding with foundations is assumed.
- No building control certificate secured
- Evidence of possible ground movement/vibration in adjacent shared boundary wall
- Incongruous in design and character

Consultee responses

Highway Services –

The application seeks consent for the retrospective application to convert outbuilding to a 2-bed detached dwellinghouse at 73A Palatine Road, Manchester, M20 3LJ.

The site is located adjacent to the adopted highway of Palatine Road. No Waiting at Any Time is in place along Palatine Road.

TRIP GENERATION AND JUNCTION CAPACITY:

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services and Metrolink services are in place within walking distance of the site.

PARKING AND ACCESS:

There is 1 car parking spaces located within the site's curtilage, thus equating to a provision of 100%.

It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.

Vehicular access to the site is gained from Palatine Road. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

REFUSE AND SERVICING:

A refuse storage area is noted within the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

The Design and Access Statement confirms that the bin will be taken from the bin store to

the collection point by the resident on Palatine Road on collection day.

Environmental Health – Conditions requested regrading noise insulation and waste management. Insufficient bin sizes provided for a 2-bed dwelling.

Greater Manchester Police – Development cannot be supported, due to insufficient public surveillance of the dwelling in this concealed location, which leaves this dwelling vulnerable to potential criminality. The position of the retrospective dwelling means that it cannot be seen from the public highway, leaving no passive surveillance opportunities and it is only overlooked by the rear of existing dwellings.

Withington Civic Society – Objection, on the grounds of visual and residential amenity impacts.

This appears to be a substandard building. In particular:

- The dwelling does not have any private amenity space, contrary to Core Strategy Policy H 1 and DM 1.
- The grey plastic cladding and the roof covering (which do not appear from the photo to be pantiles as described) are poor quality materials which are out of character with the materials of buildings in the locality. The structure is, therefore, unattractive and uncharacteristic of its surroundings. Although it is to the rear, it is viewed from multiple surrounding properties and therefore, it has a detrimental effect on the character and appearance of the area, contrary to Core Strategy Policy DM 1.
- There is one small window for the kitchen/living room area. The living room part of the space has no window of its own and is unlikely to receive sufficient sunlight and daylight via the small kitchen window. All windows look onto a car park. The dwelling therefore has a very poor outlook. It provides poor living conditions for its occupiers, contrary to Core Strategy Policy DM 1.
- For all of the above reasons, it is also contrary to NPPF paragraph 135.

In summary, this building harms the character and appearance of the area, due to its unattractive and poor quality materials and it does not provide adequate living conditions for its occupiers due to its poor outlook, likely lack of light and complete absence of private amenity space.

West Didsbury Residents Association – No comments received.

Relevant Planning History

At the application site –

115488/FO/2017 – Retention of two-bedroom, self-contained flat within basement. Application returned.

018699 – Change of use from dwellinghouse to nine self-contained flats with the construction of a three-storey extension at the rear. Approved 27.04.1983.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

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 PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone 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 **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-H3 – Type, Size and Design of New Housing
JP-P1 – Sustainable Places

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
H 1 – Overall Housing Provision (partially superseded by PfE)
H 6 – South Manchester
EN 1 – Design Principles and Strategic Character Areas

The relevant saved **UDP** policies for this application are:

DC6 – Housing on “back land” sites

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD
- Design for Access 2

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) 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 Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

Issues

Principle of development:

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. Saved policy DC6 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to housing on 'Backland Sites' and sets out a number of criteria against which proposals for residential development in these locations will be assessed. Although this latter policy is now of some age, it is consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

In this instance, the principle of the retrospective development is considered unacceptable, and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application. On balance, the proposal is deemed not to accord with saved policy DC6 of the UDP and policies DM1, SP1, H1 and H6 of the Manchester Core Strategy.

Impact on visual amenity and the streetscene:

The retrospective development consists of the conversion and enlargement of an existing outbuilding, formerly used for ancillary storage to the converted property at 73 Palatine Road, into a new self-contained dwellinghouse (use class C3) within the rear carpark.

Elevational alterations that have taken place include the cladding of the building in its entirety with cement blockwork and installation of black uPVC panelling to the principal elevation only. The submitted plans and application form state that cream render is proposed to the side and rear elevations, this however has not yet taken place (see figures 1 and 2, site photos taken 7 Oct 2024). In addition, the height of the structure has been enlarged by approx. 1.2m to accommodate a new lean-to roof form finished in grey pantiles. Four additional windows have been inserted into the front (three) and rear (one) elevations.

The scale of the retrospective proposal would remain single storey, therefore is considered to remain subservient in this setting to the main dwellinghouse, no.73 Palatine Road.

The design of the retrospective proposal would create an incongruous form of development, comprising a poor palette of materials which would be at odds with the existing character of the area. Whilst it is acknowledged that the development is concealed from the highway, Palatine Road, given the setting of the application site entirely surrounded by existing residential development, the proposal would be visible and therefore pose impact upon the character and appearance of the area.

It is therefore considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Impact on residential amenity:

Proposed development and alterations

The applicant is seeking retrospective consent for a retention of a new self-contained unit (C3 dwellinghouse). Annotation on submitted plans shows accommodation for a two bedroom three persons property, with a shower room and a Kitchen/living area, with a total gross internal floor area of 57.59m². The property is located within the exiting parking area of No.73a, access can be achieved via Palatine Road.

The structure would remain single storey and measure approximately 11.25m in width and 6m in depth adjacent to the shared boundaries with no.s 40-42 Circular Road and 1-9 Princess Court. The dwelling would accommodate a lean-to roof 3.6m in total height, 1.2m increase over the existing structure. Given the proposals siting and scale, the proposal is not considered to pose undue impact upon the residential amenity of occupiers of adjacent properties

Standard of accommodation

The retrospective development would create a gross internal floor area of 57.59m². The Manchester Residential Quality Guidance sets out Manchester's Emerging Space Standards which provides the recommended minimum gross internal floor area of new dwellings and conversions at a defined level of occupancy. This is an adopted document which is a material planning consideration. The requirements for a one storey, two bedroom, three persons planning unit is 61m².

As such, the proposed development falls below the space standards required to meet new suitable accommodation. This in turn clearly evidences that the standard of accommodation provided is insufficient.

The retrospective dwelling affords sole outlook from habitable room windows (bedrooms and kitchen) upon the communal carparking area to the rear no.73a Palatine Road. This provision is shared by the occupiers of the retrospective development and occupiers of the nine converted apartments within no.73a. As such, the main habitable room windows of this development would experience direct overlooking from this area when in use.

No private amenity space has been provided for the new dwelling, as such this directly contravenes saved policy DC6.2 (f) of the Unitary Development Plan, which states *"Development will not be permitted unless the proposed and existing dwellings retain adequate levels of private amenity space"*.

Safety

Greater Manchester Police have reviewed the proposal and stated significant concern with regards to the siting of the new dwellinghouse, in this back-land setting. It is considered that the position of the dwelling means that it cannot be seen from the public highway, leaving no passive surveillance opportunities and it is only overlooked by the rear of the existing dwellings which leaves this new dwelling vulnerable to potential criminality.

On this basis, the retrospective development is considered to have a significantly harmful impact to the living conditions of current and future occupiers, contrary to the policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC6 of the UDP.

Impact on Highway Safety:

One singular off-street parking space is provided to the front of the self-contained unit, this is considered acceptable on balance.

Waste:

The applicant/agent has provided insufficient bin storage details in relation to this proposal, as noted by the Environmental Health officer.

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

Officers have worked with the applicant in a positive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns cannot be overcome, given that the principle of development is unacceptable. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. Amenity

The retrospective development to form a new C3 Dwellinghouse to the rear of 73 Palatine Road, fails to provide adequate levels of gross internal amenity space afforded for two-bed three persons dwelling (as recommended in Manchester's Emerging Space Standards), which in turn considered in conjunction with the poor outlook of habitable room windows provided, lack of external amenity space proposed and insufficient natural surveillance of the property due to its backland setting, would give rise to a poor and unsafe standard of living accommodation for future occupiers and inadequate residential accommodation contrary to saved policy DC6 of the Unitary Development Plan, policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Withington Civic Society
West Didsbury Residents Association

40 Circular Road, Manchester, M20 3LP
Flat 10, 73 Palatine Road, Manchester, M20 3LJ
Flat 2, 73 Palatine Road, Manchester, M20 3LJ
Flat C, 71 Palatine Road, Manchester, M20 3LJ
Flat B, 71 Palatine Road, Manchester, M20 3LJ
Flat A, 71 Palatine Road, Manchester, M20 3LJ
75B Palatine Road, Manchester, M20 3LJ
Flat 7, 71 Palatine Road, Manchester, M20 3LJ
Flat 4, 71 Palatine Road, Manchester, M20 3LJ
Flat 7, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 5, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 2, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 6, 75 Palatine Road, Manchester, M20 3LJ
Flat 5, 75 Palatine Road, Manchester, M20 3LJ
Flat 3, 73 Palatine Road, Manchester, M20 3LJ
Flat 4, 73 Palatine Road, Manchester, M20 3LJ
Flat 9, 75 Palatine Road, Manchester, M20 3LJ
Flat 5, 73 Palatine Road, Manchester, M20 3LJ
Flat 6, 73 Palatine Road, Manchester, M20 3LJ
Flat 7, 73 Palatine Road, Manchester, M20 3LJ
Flat 9, 73 Palatine Road, Manchester, M20 3LJ
Flat 1, 73 Palatine Road, Manchester, M20 3LJ
71 Palatine Road, Manchester, M20 3LJ
75 Palatine Road, Manchester, M20 9LJ
Flat 2, 71 Palatine Road, Manchester, M20 3LJ
Flat 6, 71 Palatine Road, Manchester, M20 3LJ
Flat 5, 71 Palatine Road, Manchester, M20 3LJ
Flat 3, 71 Palatine Road, Manchester, M20 3LJ
44 Circular Road, Manchester, M20 3LP
Flat 8, 73 Palatine Road, Manchester, M20 3LJ
Flat 1, Princess Court, 38 Circular Road, Manchester, M20 3LP
69 Palatine Road, Manchester, M20 3LJ
Flat 8, 75 Palatine Road, Manchester, M20 3LJ
Flat 7, 75 Palatine Road, Manchester, M20 3LJ
Flat 4, 75 Palatine Road, Manchester, M20 3LJ
Flat 3, 75 Palatine Road, Manchester, M20 3LJ
Flat 2, 75 Palatine Road, Manchester, M20 3LJ
Flat 1, 75 Palatine Road, Manchester, M20 3LJ
46 Circular Road, Manchester, M20 3LP
42 Circular Road, Manchester, M20 3LP
Flat 9, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 6, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 4, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 3, Princess Court, 38 Circular Road, Manchester, M20 3LP
Flat 8, Princess Court, 38 Circular Road, Manchester, M20 3LP
75A Palatine Road, Manchester, M20 3LJ

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 (Middle) -

Area Team Boundary - Name: SOUTH AREA