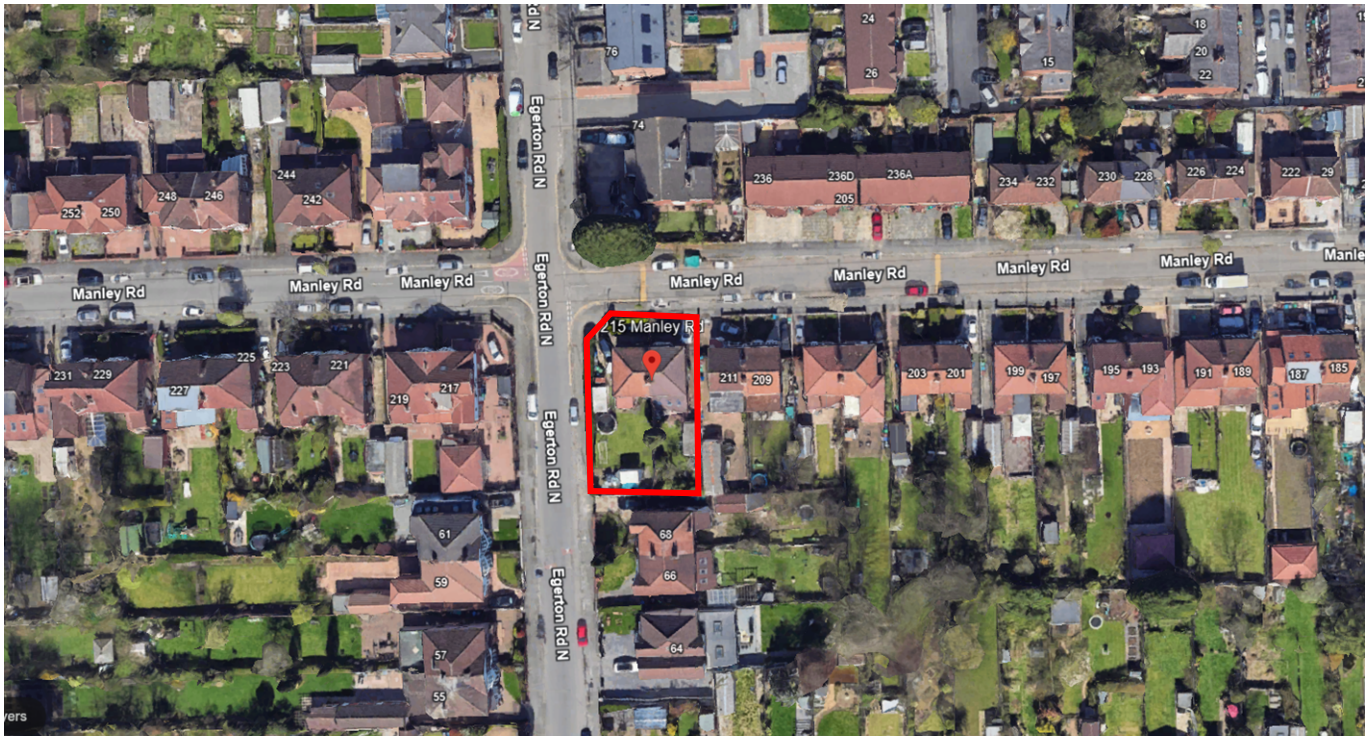
MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140878/FH/2024
Date registered valid:	13 September 2024
Proposal:	Erection of detached outbuilding in rear garden
Address:	215 Manley Road, Manchester, M21 0GY
Ward(s):	Chorlton Ward
Applicant:	Mrs Khadijah Rafiq
Agent (if any):	Mr Ahmed Choudhry, Nada Architects
Case officer:	Tracie Simpson Tel: 0161 234 4537 Email: tracie.simpson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**29th October 2024**



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 15 October 2024
Standard consultations:
Printed: 17 September 2024 Expired: 8 October 2024
Neighbour notifications
Printed: 17 September 2024 Expired: 8 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

The property that is the subject of this householder application is identified as number 215 Manley Road. It is of red brick and render a two storey dwellinghouse which occupies a corner plot at the junction of Manley Road and Egerton Road within the Chorlton ward area of Manchester. Pedestrian and vehicular access is taken from the Manley Road frontage there is a secondary point of access via double gates off Egerton Road. The property has garden area to three sides, and parking in curtilage is provided to the front of the property. The property features a single storey rear outrigger with bay window and canopy to the front.



Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature comprising of properties of a similar age and style to the host property together with later infill additions.

Description of development

The proposal is for the erection of detached outbuilding in rear garden

Consultations & Notification Responses

Local residents – summary of comments as follows:

- The proposed development is very overbearing and is within 2 metres of our property boundary.
- The normal regulations for any garden outbuildings that they are not built within 2 metres of a property boundary. Also, they must not exceed a height of 2.5 metres. This is with very good reason to prevent a tall structure overbearing an adjacent garden. The proposed building is significantly in excess of that regulation and building height (3.475m).
- Our concern is that this structure will be used as additional living space to house additional people. A summer/play room does not require an en-suite bathroom (as this plan proposes). This will consequently cause noise disturbance to us with additional people living at the end of the garden of the existing semi-detached property.
- If the owner wants a summer/play room, they can buy an insulated wooden garden room that falls within the permitted 2.5m height for significantly less money than the proposed building will cost to build.
- The proposed height of the development is out of keeping with the height of other structures in that garden and adjacent gardens - such as garages and sheds, and will ruin the visual flow of the garden scene. It is disproportionate and overbearing in the plot and adjacent plots.
- This plan has been developed with no consideration being made to adjacent plots/neighbours.
- This is green belt land and any development on it is removing rain absorbing land and destroying the natural habitat.
- The proposed structure will block a significant amount of light
- At the highest point, the proposed structure will be almost double the height of our boundary fence and will cast shade over our garden. This height would not be allowed for a garden shed. The proposed building is so much bigger and more permanent than any garden shed.
- The previous planning application made in April 2024 for an outbuilding at 215 Manley Road was rejected by the council. I believe that the same reasons they rejected that application should also be applied to the current planning application.
- Loss of open space between the properties, and I think the design is poor. If this is approved its use needs to be tied to the main property to mitigate any risk of it being used as a separate dwelling.

Flood Risk Management

- Object to the proposal due to insufficient consideration of the NPPG Standing Advice for Flood Risk Assessment in matters which cannot be Conditioned. The following amendment to the FRA is required to lift our objection:

- Assessment of the estimated flood level for the Site (Product 4 data must be submitted).

- Details of Finished Floor Levels set in accordance with Standing Advice.

- If floor levels cannot be raised in line with Standing Advice, details of flood resistance and resilience measures and access/escape plans in line with Standing Advice.

Environmental Health- no objections subject to the attachment of a condition relating to construction hours and the attachment of an informative relating to a Contaminated Land watching brief.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
o Policy DM 1 - Development Management
o Policy SP1 - Spatial Principles
o Policy EN1 - Design Principles
o Policy EN 19 - Waste Management
o The National Planning Policy Framework (NPPF)

Places for Everyone Plan (2022 - 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

JP-S1: Sustainable Development
JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider that this proposal does not accord with the principles of this policy.

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. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) 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 (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal 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 DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Planning History relating to 215 Manley Road

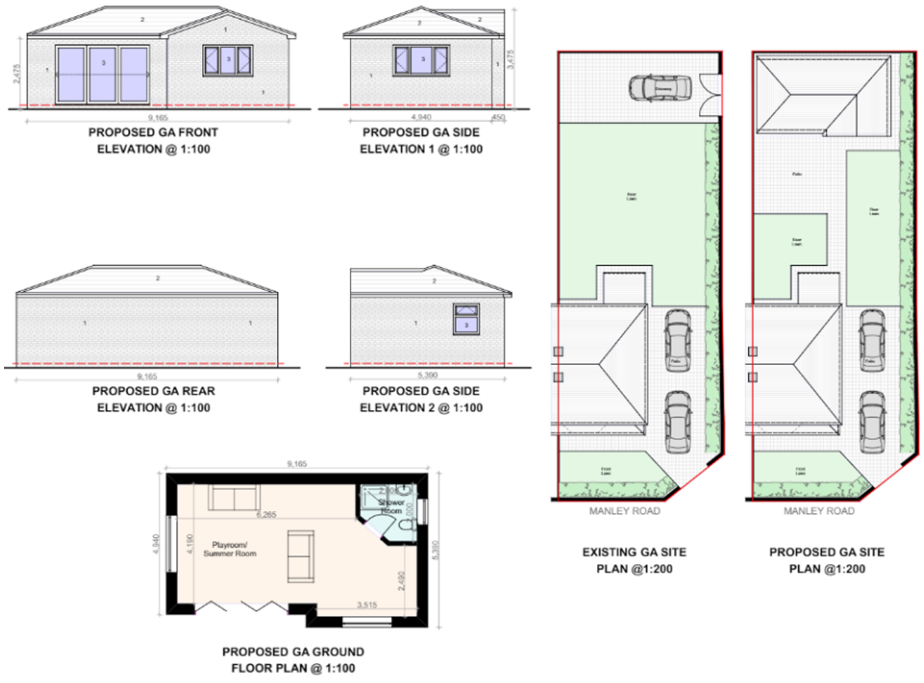
136159/FH/2023 - Erection of outbuilding to provide granny annexe. This application was Withdrawn on 27th November 2023.

139135/FH/2024 - Erection of proposed granny annexe. This application was refused on 12th June 2024

Plans considered

The plans considered as part of this proposal are as follows:

Received 28th August 2024 Existing and Proposed Plans and Elevations numbered (01)001 PL0



Received 28th August 2024 Proposed Site Plan



Residential Amenity

The applicant is seeking planning permission for the erection of an outbuilding which would be sited along the rear boundary adjacent to no. 68 Edgerton Road North. Concerns were raised by a local resident in relation to the addition of a structure which would lead to more people, increase in noise, layout, height, loss of light and open space and poor design. The City Council raised concerns with the applicant/agent regarding the existing proposal and its impact upon the neighbouring and surrounding properties in the area. Unfortunately, a solution has not been reached.

The section of Manley Road and Egerton Road to which the application site relates is mainly characterised by pairs of semi-detached dwellinghouses with fairly uniform massing and a consistent ridge and eaves height. The properties incorporate similar sized rear garden areas which imparts a distinctive suburban grain. There is also a strong and dominant building line to both the Manley and the Egerton Road frontage.

The height of the outbuilding incorporates a greater ridge height than a typical outbuilding measuring at 3.475m in height which would stand out due its position which is easily seen from the road and due to its position in relation to neighbouring boundaries. Given the height of the proposed unit, it would present as a long monolithic stretch of brickwork along the common boundary with number 68 Egerton Road North presenting as an overbearing structure when viewed in the context of the side garden area, which would have a detrimental impact upon the enjoyment of that property.

The City Council acknowledges that the proposal has been amended by removing the internal kitchen from the plans which previously would facilitate the unit to function as an independent house requiring no reliance on facilities provided by the host property. However, in re-siting the outbuilding, has raised concerns with regards to the position within the site and its general impact upon the character of the area together with its impact upon visual amenity and within the street scene leading to the loss of residential amenity currently being enjoyed by the occupiers of adjoining properties and the surrounding area. Therefore, the City Council is of the view that the previous reason for refusal has not been addressed.

Whilst it is acknowledged that as the applicants proposed site plan (outlined above under plans considered) demonstrates that there are other detached structures which lay within surrounding sites, the structures do not project forward further than the original side wall of the host dwelling houses which the proposed scheme clearly establishes. Furthermore, the visual impact would be made more strident by proposed ridge height. The building does not reflect the proportions of neighbouring properties or the typical ancillary units to be found within the curtilage of some of the neighbouring properties. As such, the proposal represents an uncharacteristic form of development that is at variance with the prevailing character of the area.

The proposal is therefore considered would conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed structure is believed to provide an overbearing impact upon the residential amenities of the adjoining and surrounding properties and therefore, it is considered that the proposed building would have an adverse impact upon the character and appearance of the area, principally due to it scale, siting, height and massing.

It is therefore considered that the scale and mass of the proposed structure is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure.

On balance it is 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.

Waste management

Storage of refuse bins are not affected by this proposal.

Parking

The proposal would result in the loss of an off-road parking space for the site, whilst introducing further demand for off road parking related to the proposed development, due to the lack of off-road provision.

Conclusion/Fall Back Position

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the applicant could build a similar outbuilding with a maximum height of 2.5 metres; this providing it was to be positioned no further than the original side wall of the host dwellinghouse and used incidental to the main dwellinghouse. This would be considered the fall-back position, which is a material consideration in the decision-making process, of which the permitted development rights given by the Order comprise an element.

Therefore, when deciding a planning application, it may be argued with some effect that a development carried out to 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.

In terms of the current scheme, it is considered that the proposal would provide significant harm to the character and appearance of the area, resulting in providing a detrimental impact on the occupiers of neighbouring properties in respect of outlook. Therefore, when the development is considered as whole it would not accord with the Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy.

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

Positive and proactive working - The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) Having regard to the relationship of the proposed development with the surrounding properties in the area, the scale and siting of the proposed building, would constitute an intrusive, inappropriate form of development, which would be overbearing and obtrusive and considered to have a detrimental impact upon the residential enjoyment of their properties by the neighbouring occupants and providing harm to the character of the area . The proposal is therefore contrary to the provisions of Planning Policies SP1, DM1 and EN1 of the Manchester Core Strategy and DC1 of the Extant UDP and the NPPF.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

68 Egerton Road North, Manchester, M21 0QY
61 Egerton Road North, Manchester, M21 0GX
70 Egerton Road North, Manchester, M21 0GW
240 Manley Road, Manchester, M21 0RD
238 Manley Road, Manchester, M21 0RD
219 Manley Road, Manchester, M21 0RB
217 Manley Road, Manchester, M21 0RB
213 Manley Road, Manchester, M21 0GY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA