

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139135/FH/2024
Date registered valid: 17 April 2024
Proposal: Erection of proposed granny annexe
Address: 215 Manley Road, Manchester, M21 0GY
Ward(s): Chorlton Ward

Applicant: Mrs Abdul Patel Architectural Aesthetics
Agent (if any): Mr Abdul Patel, Architectural Aesthetics
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 12 June 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 3rd June 2024

Standard consultations:

Printed: 23 April 2024 Expired: 15 May 2024

Neighbour notifications

Printed: 23 April 2024 Expired: 15 May 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 red brick 2 storey dwellinghouse which occupies a corner plot at the junction of Manley Road and Egerton Road. 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.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Planning History

136159/FH/2023 Erection of outbuilding to provide granny annexe. Withdrawn.

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 a freestanding single storey unit at the bottom of the rear garden. It would have a dual pitch

Consultations & Notification Responses

Local Residents- One objection received the main points of concern being as follows:

The proposed unit is too high as it is within 2 metres of the boundary to our property, being such a tall structure and running along the boundary to our garden its excessive height is

overbearing. It would be more considerate to relocate the unit to the other side of the plot so that it runs along the boundary with the pavement.

The proposal is out of keeping with other outbuildings within the area. It will be built on grassland which would cause issue by removing water absorbing land.

The structure would block a significant amount of light from our garden with, at the highest point resulting in a structure which is almost double the height of the boundary fence. If consideration was given to an approval of the proposal, it should be moved away from the boundary and reduced in height.

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.

Flood Risk Management-no objections subject to the attachment of a condition relating to the submission and approval of a Flood Risk Assessment, together with an informative relating to an underground culvert known as Longford Brook.

Issues

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'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.

Core Strategy policies

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 (Overall Housing Provision) states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- o Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;

- o Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- o Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- o Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- o Be designed to give privacy to both its residents and neighbours.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

The Guide to Development in Manchester (SPD)

This document contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Paragraph 2.13 states:

'The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings. Projections and setbacks from this line, such as bays, foyers and entrance halls, can help to create visual emphasis; they should not, however, reduce safety by creating hidden areas, or accessibility by making obstructions, nor detract from the visual continuity of the frontage'.

Manchester Residential Quality Guidance (2016)

The City Council's Executive has endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live. The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

- Make it Manchester;
- Make it bring people together;
- Make it animate street and spaces;
- Make it easy to get around;
- Make it work with the landscape;
- Make it practical;
- Make it future proof;
- Make it a home; and

Make it happen.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 'Decision Making' provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 12 refers to 'Achieving Well Design and Beautiful Places'.

Paragraph 135 states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Paragraph 139 states further that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

Places for Everyone - GM Spatial Plan

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is 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.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed building would have an adverse impact upon the character and appearance of the area, principally due to its scale, siting, height and massing.

Furthermore, it is not considered that due to its physical size, scale and layout, that the building would be incidental or ancillary to the main house, but instead is capable of being occupied as an independent, self-contained living accommodation with no reliance at all on the host property. This in turn raised issues regarding the impact to neighbouring living conditions and car parking.

Residential amenity

Given the potential for the proposed unit to operate as an independent residential unit, this would bring with it issues such as the requirement for additional parking, and the increased comings and goings to the site associated with an independent unit, and at only 0.61 m set in from the common boundary with number 217 would have a detrimental impact upon the enjoyment of that property.

Visual Amenity

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 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 217 presenting as an overbearing structure when viewed in the context of the garden area, which would have a detrimental impact upon the enjoyment of that property.

In addition, the proposed building is of a different scale than neighbouring dwellinghouses and this would result in a lack of rhythm and continuity to the appearance of the street-scene, due to differing and varying eaves and roof ridge heights.

The siting of the proposed building and its position off the rear boundary wall and common boundary with number 217 Manley Road would result in an incongruous feature, out of character with the pattern of development in the immediate area, at odds with neighbouring properties. 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 in the curtilage of some of the neighbouring properties

It is considered that on balance, the proposed development would be contrary to the existing grain and pattern of development found in the immediate area, undermining its character, to the detriment of visual amenity. The scale and its relationship with neighbouring properties all serve

to have a negative impact on the character and appearance of the area. On this basis, the proposal is considered contrary to aforementioned policy and guidance.

Not Incidental

The size of the outbuilding and its internal layout shows separate bedroom, living room, kitchen and bathroom areas, as well as an independent access. The Council consider that this layout would not be for use incidental to the main house but would rather facilitate the unit to function as an independent house requiring no reliance on facilities provided by the host property.

The establishment of a separate dwellinghouse in this location would be at odds with the local pattern of development and introduce activity and associated noise and disturbance in close proximity to neighbouring properties, which would undermine the living conditions of these occupiers. Moreover, the proposal would result in the loss of an off-road parking space for the main house at No.215, 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 used incidental to the enjoyment of the dwellinghouse, and not include some form of primary accommodation, 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.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive 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 have not been overcome. The proposal has been assessed against both national and local policies and subsequently 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) Given the size and internal layout of the proposed outbuilding it 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 both the principal and neighbouring buildings, 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 would lead to the loss of parking and creation of further on street- parking demand, whilst harming 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 Planning Policy Framework (NPPF).

2) 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. The proposal is therefore contrary to the provisions of policies SP1, H1, EN1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

213 Manley Road, Manchester, M21 0GY
211 Manley Road, Manchester, M21 0GY
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

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
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