



MANCHESTER
CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140290/FH/2024
Date registered valid: 28 June 2024
Proposal: Erection of out building

Address: 24 Amherst Road, Manchester, M20 4NS
Ward(s): Withington Ward

Applicant: Mr Mukthar Miah
Agent (if any): Mr Ahmad Turkmani Architecture

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 23.08.2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25/07/2024

Standard consultations:

Printed: 11 July 2024 Expired: 1 August 2024

Neighbour notifications

Printed: 11 July 2024 Expired: 1 August 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

Proposal relates to a semidetached dwellinghouse on Amherst Road. The property features an existing single storey outrigger, large garden to the rear and hardstanding to the front for off street vehicle parking.

Listed building: Not applicable

Conservation area: Not applicable

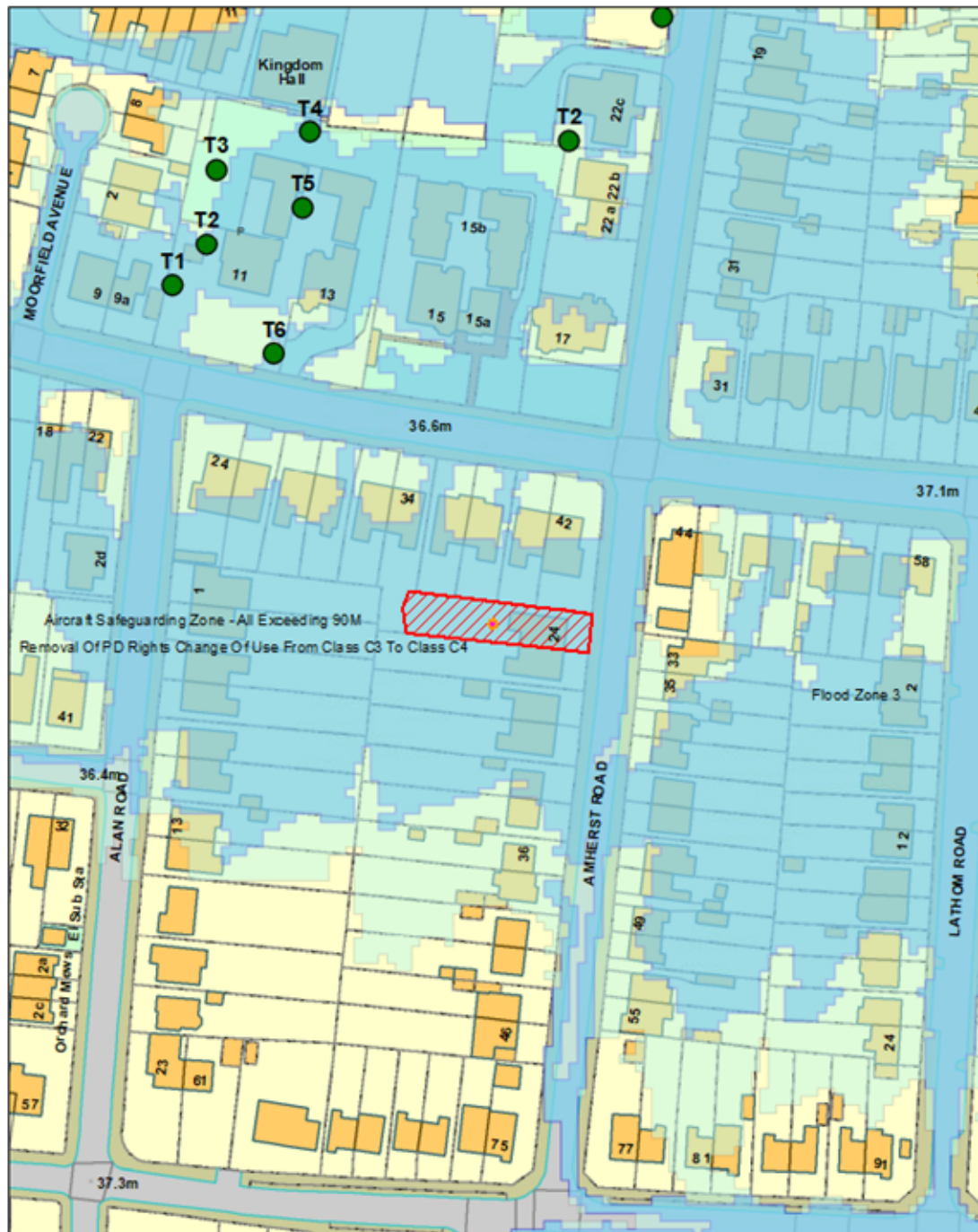
Tree Preservation Order: Not applicable



Figure 1. Street scene

Description of area

The property is located in a mostly residential part of the Withington ward of Manchester. The curtilage of the site is within an EA Flood Zone 3.



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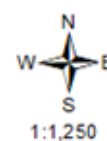


Figure 2. Location map

Description of development

The applicant is proposing the erection of an outbuilding.

The proposed outbuilding is located at the rear of the rear garden.

The proposed outbuilding measures 8100mm x 4700mm with an eaves height of 3300mm and a ridge height of 4300mm with gable ends. The raised roof height is to accommodate roof storage.

The outbuilding features large folding glass doors to the north and east elevations and a window to the west elevation with brick and tile to match the existing property.

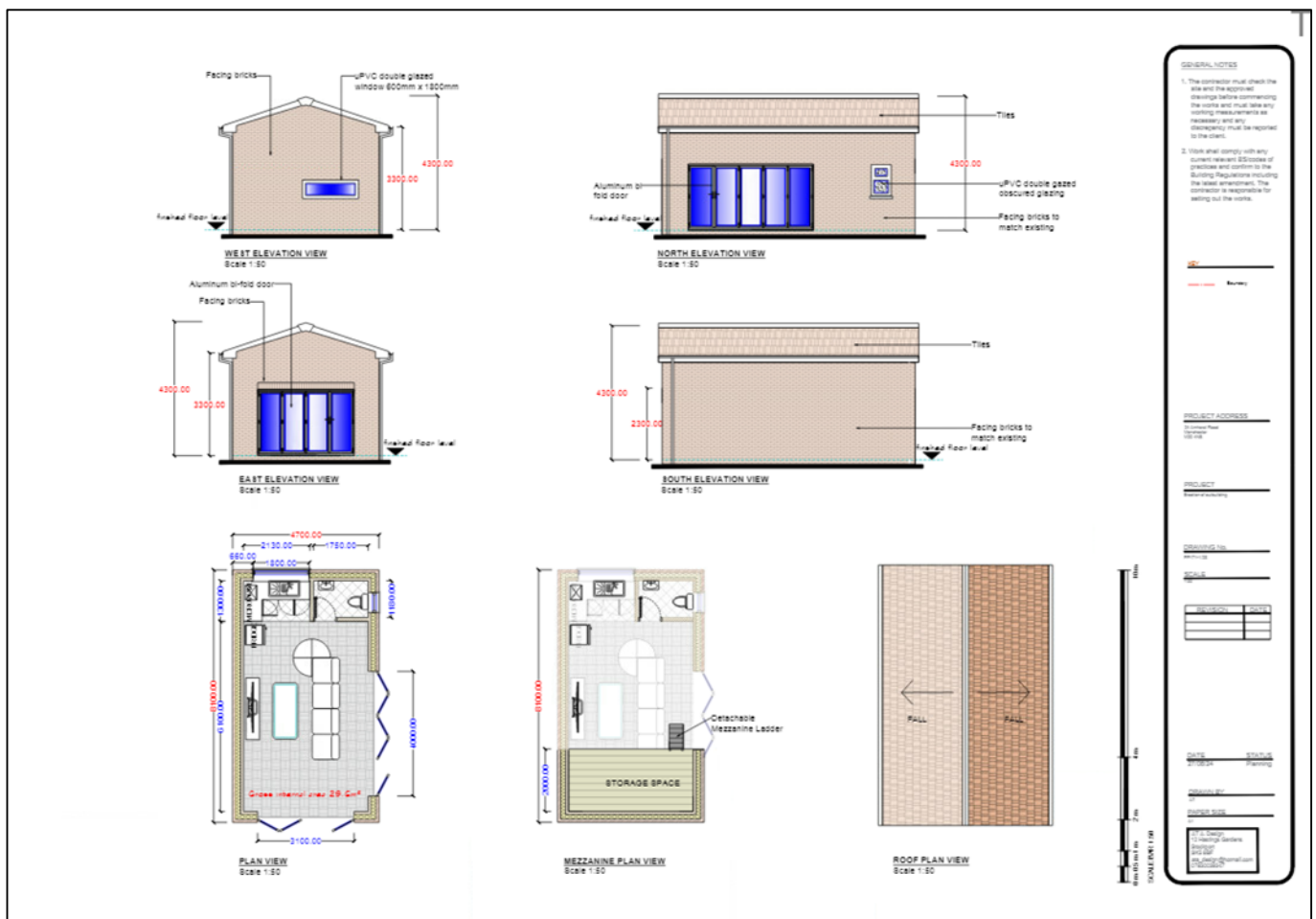


Figure 3. Proposed plans and elevations

Planning History

F07562

Description: Conversion of dwellinghouse to include a private aged persons rest home (to accommodate 4 residents).

Decision: Approved 04/01/1978

It is of note that this usage appears to be long discontinued, and the property is currently in use as a single family dwellinghouse.

Consultation, notification & publicity responses

Consultations

Manchester City Council Flood Risk Management

Manchester City Council 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 applicant was asked to provide the details as required; however, they were unable to return within the target date with sufficient information for Flood Risk to lift the objection.

Notifications

Local Residents

As stated in Appendix 1, people who live near the area were told about the proposal.

1 no local resident commented in objection to the proposal. Concerns were raised regarding:

- The height of the proposed outbuilding
- Impact on local privacy
- Impact on local house prices (this is not a planning concern)

Comments received are noted and, where relevant, are taken into consideration when assessing the proposal.

Relevant policies & the principle of development

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In considering this application, we consider the following policies relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#)
 - Development Management and Planning Obligations
 - DM 1 - Development Management
 - Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (partially superseded)
 - Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 14 – Flood Risk (partially superseded)
- [Extant Unitary Development Plan \(UDP\)](#) -
 - DC1 - Residential Extensions
- [Places for Everyone Plan Joint Development Plan Document 2022-2039-](#)
 - Strategy
 - JP-Strat9: Southern Areas
 - Sustainable and Resilient Places
 - JP-S4: Flood Risk and the Water Environment

- Places for People
 - JP-P1 Sustainable Places

[The National Planning Policy Framework \(The NPPF\)](#) –

- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

Principle of the development

Residents can usually expand their homes for more space, including outbuildings as long as it doesn't affect the neighbourhood or property's character.

After careful consideration, it is concluded that the proposed development opposes with the Manchester Core Strategy, Extant UDP, Places for Everyone Plan and the NPPF. This conclusion is based on the assessment in the sections that follow.

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

Development Management and Planning Obligations

DM 1 – Development Management

New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

Appropriate siting, layout, scale, form, massing, materials, and detail

The proposal uses brick facing and tile to match the existing property (according to the application form).

Outbuildings are generally acceptable in principle as long as their massing does not create a harm to visual and/or residential amenity.

In this case the eaves height of the outbuilding (3300mm) and overall height of 4300mm within 2000m of the boundary would present a massing issue and impact on neighbours.

The permitted development maximum height of an outbuilding within 2000mm of the boundary is 2500mm and the proposed outbuilding would have both taller eaves and considerably taller overall height.

Officers consider the new development to be unacceptable in its siting, layout, scale, form, massing, materials, and detail.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.

The size of the outbuilding (as discussed above) the proposed development would change the area's character, so its appearance is unacceptable.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The overall height of the proposed outbuilding would create a large massing and impact on the visual and residential amenity of local neighbours by virtue of being overbearing.

The proposal adds 1no window in the rear of the proposed outbuilding facing into the rear garden of 34 Mauldeth Road. This would be required to be obscured.

The proposal includes adding large glass doors on the north and east elevation facing into the properties garden. The glazing is at ground level and would are no more harm than the existing glazing in the main property and properties along Mauldeth Road that are perpendicular to the garden.

The proposal is expected to have a negligible effect on local light.

The proposal in of itself has a negligible effect on local noise levels or vibration. We understand that demolition and construction can be loud and disruptive to the local residents. Contractors should use construction guidance to reduce emissions and minimize disruptions for residents.

The proposal is expected to have a negligible effect on air quality or odours.

The proposal is expected to have a negligible effect on litter, vermin, or birds.

The proposal is expected to have a negligible effect on road safety and traffic generation.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal does not change how people can get in and out of the building.

The proposal is therefore in accordance with this development management principle.

Adequacy of internal accommodation and external amenity space.

The proposal adds internal space with minimal effect to the outdoor area.

This follows the development management principle.

Refuse storage and collection.

The proposal itself has little impact on waste from the site. It uses the current storage and collection methods on site. We recognize that demolition and/or construction works often generate commercial waste. We expect contractors to follow best practices in waste management.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

The proposal doesn't change how vehicles access and park at the property, so it follows the development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

The applicant and consultees did not find any contamination or stability issues at the site.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

The proposal is exempt from biodiversity net gain rules.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Green Infrastructure including open space, both public and private

The dwelling benefits from a garden beyond the siting of the proposed development.

The proposal would minimally affect green infrastructure and would balance new development with existing green space.

The proposal is therefore in accordance with this development management principle.

Flood risk and drainage.

The site is located in Flood Risk Zone 3.

There is 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 Flood Risk Managements objection:

- Assessment of the estimated flood level for the Site.
- 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.

The proposal is therefore in opposition with this development management principle.

Objective 1 - Spatial Principles

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

We consider this proposal to oppose with the principles of this policy.

Objective 6 Environment

EN 1 – Design Principles and Strategic Character Areas

This policy outlines the key design principles for development in Manchester. All development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the ‘Southern Character Area’.

We consider this proposal to oppose with the principles of this policy.

EN 14 – Flood Risk

This policy outlines the key principles around Flood Risk Management in the city.

The site is located in Flood Risk Zone 3.

There is 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 Flood Risk Managements objection:

- Assessment of the estimated flood level for the Site.
- 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.

The proposal is therefore in opposition with this development management principle.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced most of the UDP, but some UDP policies still apply to this proposal.

DC1 - Residential Extensions

This policy outlines the key issues when considering proposed residential extensions.

We consider this proposal to oppose with the principles of this policy.

Places for Everyone Plan (2022 – 2039)

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

Strategy

JP-Strat9: Southern Areas

This policy outlines the spatial strategy for the Southern Areas of the City Region which includes Southern areas of Manchester.

We consider this proposal to oppose with the principles of this policy.

Sustainable and Resilient Places

We consider this proposal to accord with the principles of this policy.

JP-S4: Flood Risk and the Water Environment

This policy outlines the measures to protect the quantity and quality of water bodies with reference to the North West River Basin Management Plan and managing flood risk.

We consider this proposal to oppose with the principles of this policy.

Places for People

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 this proposal to oppose with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 12 outlines how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

We consider this proposal to oppose with the principles of the NPPF.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)

- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manchester Tree and Woodland Action Plan 2024-2034](#)
- [Manual for Streets \(2007\)](#)
- [National design guide & National Model Design Code \(2021\)](#)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

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.

Conclusion

Outbuildings are generally acceptable in principle as long as their massing does not create a harm to visual and/or residential amenity. In this case the eaves height of the outbuilding (3300mm) and overall height of 4300mm within 2000m of the boundary would present a massing issue and impact on neighbours. The site is located in Flood Risk Zone 3. There is insufficient consideration of the NPPG Standing Advice for Flood Risk Assessment in matters which cannot be Conditioned therefore the development opposes with the relevant Core Strategy, Extant UDP, NPPF policies, and other material considerations.

Recommendation: Refuse

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner. We assessed the proposal with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, and other material considerations. The Officer communicated with the applicant regarding the holding Flood Risk objection however a solution could not be found within the deadline.

Reasons for refusal

1. Harm to residential amenity

The proposal, notably the overall height of the proposed outbuilding (4300mm) within 2m of the boundary, would cause an overbearing massing to the rear of the property harming the residential amenity of local neighbours and potentially having harmful impacts to external amenity spaces of other residents counter to policies DM 1, SP 1 and EN 1 of the Manchester Core Strategy; DC1 Extant UDP; JP-Strat9, JP-P1 of the Places for Everyone Plan and; Section 5 and 12 of the NPPF.

2. Harm to visual amenity

The proposal, notably the overall height of the proposed outbuilding (4300mm) within 2m of the boundary, would cause an overbearing massing to the rear of the property failing to remain subservient to the original dwelling and not in keeping with design and character of local properties and the wider development, harmful to the visual amenity of local residents in the area counter to policies DM 1, SP 1 and EN 1 of the Manchester Core Strategy; DC1 Extant UDP; JP-Strat9, JP-P1 of the Places for Everyone Plan and; Section 5 and 12 of the NPPF.

3. Flood risk

The development is in Flood Zone 3 with a vulnerability classification of 'More Vulnerable'. In accordance with the Flood Risk Assessment Guidance for Local Planning Authorities, the applicant has provided insufficient consideration of the NPPG Standing Advice for Flood Risk. This is counter to policies in DM 1 & EN 14 of the Manchester Core Strategy; and Section 14 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

42 Mauldeth Road, Manchester, M20 4WD
 36 Mauldeth Road, Manchester, M20 4WD
 32 Mauldeth Road, Manchester, M20 4WD
 40 Mauldeth Road, Manchester, M20 4WD
 26 Amherst Road, Manchester, M20 4NS
 3 Alan Road, Manchester, M20 4NQ

33 Amherst Road, Manchester, M20 4WS
44 Mauldeth Road, Manchester, M20 4WF
38 Mauldeth Road, Manchester, M20 4WD
34 Mauldeth Road, Manchester, M20 4WD
1 Alan Road, Manchester, M20 4NQ
35 Amherst Road, Manchester, M20 4WS

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) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA