

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140227/FH/2024
Date registered valid: 10 June 2024
Proposal: Convert existing detached garage into self contained annex
Address: 68 Factory Lane, Manchester, M9 8EA
Ward(s): Harpurhey Ward

Applicant: Mr Barrie Parker
Agent (if any): Mr Dave Trudgeon, Conway Architectural Design
Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 5 August 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 July 2024

Standard consultations:

Printed: 20 June 2024 Expired: 11 July 2024

Neighbour notifications

Printed: 20 June 2024 Expired: 11 July 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



68 Factory Lane is a two storey quasi-detached residential property located in Harpurhey. The application property has been previously extended via a two storey side extension. The property is constructed from red brick (GF) and white render (FF) and is designed with hipped roof forms, finished in red pantiles.

The site affords an existing flat roofed double garage to the side of the dwellinghouse. There is a private garden to the rear with heavy boundary treatment in the form of fencing and soft landscaping (trees/hedging).

The application property is situated in a predominantly residential area. To the north and east of the site is land designated as open greenspace (Playing Fields, Andrew Road).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The application refers to the conversion of the existing double detached garage into habitable living accommodation ancillary to the main dwelling.

The existing garage door in the front elevation will be replaced with two windows and surrounding wall space will be infilled in matching brickwork. A single window is proposed in the rear north facing elevation. Proposed fenestration would be grey uPVC.

Consultations & Notification Responses

Local responses

None

Consultee responses

Environmental Health – No objections subject to a gas protection measure condition and informative.

Relevant Planning History

At the application site –

090173/VO/2009/N1 – CITY COUNCIL DEVELOPMENT Retrospective Application for the erection of 2.4 metre high galvanised chain link fence. Approved 24.08.2009.

34787 – 2 storey extension at side of dwellinghouse to form dining room with bedroom over. Approved 26.09.1989.

F11522 – Erection of double garage side of dwellinghouse. Approved 24.09.1979.

History of negotiations

No negotiations were entered into with the agent, given that the scheme was considered policy compliant.

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-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)
EN 1 – Design Principles and Strategic Character Areas
EN 18 – Contaminated Land and Ground Stability
EN 19 – Waste

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

DC1– Residential Extensions
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

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 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Issues

Principle of development:

Residents can usually expand their homes for more space, as long as it doesn't affect the neighbourhood or property's character. The proposal in principle is acceptable. No factors in amenity terms would warrant refusal. After careful consideration, it is concluded that the proposed development aligns with the Manchester Core Strategy, Extant UDP, Places for Everyone Plan and the NPPF.

Impact on visual amenity and the streetscene:

The proposal seeks to convert the existing double garage into habitable accommodation, proposing new uPVC fenestration and rubber ply membrane roofing. Two windows are proposed in the front elevation (south) and one single window to the rear (north). The front elevation will be rebuilt with matching brickwork, following removal of the existing garage doors. The existing scale, footprint and point of access (side door) into the structure would remain unchanged.

It is considered, on balance, that the proposal will not be unduly detrimental to the character or appearance of the original property or the street scene.

Impact on residential amenity:

The proposed development to convert the garage to habitable accommodation would not increase the scale or footprint of the existing structure. New windows would be inserted into the front and rear elevations of the annex. Given the dense boundary treatment around the application site in the form of fencing, hedging and trees, the development would not harm the setting of neighbouring parkland.

A condition has been included to ensure that the authorised outbuilding would only be used as ancillary accommodation for use in conjunction with the occupation of the application property as a dwellinghouse (Class C3) and shall not be used at any time as a separate or independent dwellinghouse. This condition is required to ensure the appropriate future occupation and management of the property and to safeguard residential amenity.

On balance, it is not considered that the development would unduly harm residential amenity of neighbouring residents.

Highways:

Whilst the proposed development would remove the existing parking provision (2 spaces) within the double garage, this is considered acceptable on balance, given that a parking space would be retained on the driveway within the curtilage of the application.

Other matters:

Land contamination

The Environmental Health officer stated that the garage is directly adjacent to a historic landfill site with potential ground gas migration risks. As such it would be difficult to install gas

protection measures retrospectively in the building structure. However, the officer advised that if the garage affords a concrete flooring, the applicant could potentially address any risks with adequate ventilation, e.g. permanent trickle vents in the windows. This specification to the fenestration was confirmed by the agent on an email dated 5/8/24 and will be conditioned.

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, no negotiations were necessary but appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan and to policies SP1 and DM1 of the Core Strategy.

Condition(s) to be attached to decision for approval

1. 3 Year Time Limit

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. Specified drawings

The development hereby approved shall be carried out in accordance with the documents labelled:

- 'Proposed Garage Plan', numbered '856-04', stamped as received by the City Council as Local Planning Authority on the 10/06/2024.
- 'Proposed Block Plan', numbered '856-03', stamped as received by the City Council as Local Planning Authority on the 10/06/2024.
- 'Proposed Garage Plan', numbered '856-04', stamped as received by the City Council as Local Planning Authority on the 10/06/2024.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3. Matching materials

The external walling materials of the garage conversion shall match those of the existing building.

Reason - To ensure the appearance of the building to be converted is not adversely affected by the materials to be used in the development, pursuant to saved policies DC1.1, DC1.2, and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4. Ancillary Use

The detached outbuilding that forms an ancillary building within the boundary of 68 Factory Lane Manchester M9 8EA, shall only be used as ancillary accommodation for use in conjunction with the occupation of 68 Factory Lane Manchester M9 8EA, as a dwellinghouse (Class C3) and shall not be used at any time as a separate or independent dwellinghouse.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester.

5. GAS01

The development shall include the installation of gas protection measures, in order to alleviate any risks resulting from landfill gas ingress to the building. Prior to above ground works appropriate and comprehensive construction designs shall be submitted to and approved in writing by the City Council as local planning authority. Once approved the scheme should be installed.

Reason – The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to policy EN18 of the Core Strategy for the City of Manchester.

Informatives

CLAND Watching Brief – In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is

advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

67 Factory Lane, Manchester, M9 8EA
69 Factory Lane, Manchester, M9 8EA
65 Factory Lane, Manchester, M9 8EA
63 Factory Lane, Manchester, M9 8EA
70 Factory Lane, Manchester, M9 8EA

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 -
Area Team Boundary - Name: NORTH AREA