



CAROLINE TAMWORTH PLANNING

Planning and Development

PLANNING APPLICATION

RETENTION OF GARDEN ROOM/ANNEXE

32 MONTCLIFFE CRESCENT, WHALLEY RANGE, MANCHESTER, M16 8GR

PLANNING STATEMENT

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On behalf of

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1.0 The Site

1.1 The application site comprises the garden of the two storey detached dwelling of No. 32 Montcliffe Crescent, Manchester within which a single storey detached building has been constructed.



Photograph of the application site showing original dwelling to the left and detached outbuilding to the right

1.2 The side elevation of the dwelling faces onto Montcliffe Crescent and is separated from the footpath by amenity space and a part brick part timber boarded fence. There is a gate to the northern end of the garden that provides access to the outbuilding.

1.3 The site is surrounded by residential properties.

2.0 Background

2.1 A lawful development certificate for a detached outbuilding to provide additional living accommodation on the site was granted by the Council in May 2018 (Ref. 119550/LP/2018).

2.2 In June 2018 the Council considered a planning application for the erection of a single storey pitched roof outbuilding following the demolition of a garage (120363/FH/2018). The plans submitted with the application indicated that the building was to be used as living

accommodation. The application was approved with conditions in August 2018. The proposed development was identical in footprint and elevation design to that considered within the lawful development certificate with the exception of the addition of a pitched roof.

2.3 The decision had several conditions attached one of which reads as follows:-

“4) The single storey outbuilding hereby approved shall be used solely for a purpose incidental to the enjoyment of the main dwelling house as prescribed by Class E, part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 and not as a separate dwelling within Class C3 in its own right.”

2.4 The development approved under application 120363/FH/2018 was completed. As part of the works a fence was erected within the site to provide separate amenity space for the original dwelling and the outbuilding living accommodation.

2.5 In 2022 it came to the Council’s attention that the outbuilding had been separated from the main dwelling by a fence, which was not shown on the approved plans, and the building was being occupied as a self-contained dwelling.

2.6 A retrospective planning application for the retention of the dwelling to regularise the situation was submitted to the Council in October 2022 (135281/FO/2022). The application was refused in December 2022 for the following reasons:-

“1) The dwellinghouse constitutes overdevelopment of the site which is out of keeping with the character of the area due to the size of the plot, the layout of the site and the scale and massing of the building resulting in an unacceptable intensification and cramped overdevelopment, inadequate car parking, lack of amenity space and internal space standards being detrimental to the living conditions of the existing and future occupiers as well as having an unacceptable impact on the visual amenity of the area in general and the residential amenity of neighbouring occupiers due to loss of privacy, noise and disturbance. As such it is 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 Guidance.

2) The dwellinghouse together with the sub-division of the site has resulted in loss of amenity and privacy to the current and future occupants of 32 Montcliffe Crescent. In particular 32 Montcliffe Crescent would have insufficient space within the curtilage of the site to provide adequate privacy amenity space. As such it is 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 Guidance.”

2.7 An appeal against the decision was made but the Planning Inspector dismissed the appeal in June 2023 (APP/B4215/W/23/3314753).

2.8 Following the dismissal of the appeal, in September 2023 the Council served an enforcement notice on the owner of the site which required the demolition of the building and removal of the fence.

2.9 An appeal against the enforcement notice was lodged. However, following discussions with the Council's enforcement department it was agreed that the Notice be varied to allow 18 months for the steps in the notice to be carried out and the appeal was subsequently withdrawn.

3.0 The Proposal

3.1 Retrospective planning permission is sought for the retention of the outbuilding for incidental use in connection with the main dwelling. The proposed development will involve the removal of the fence that currently separates the outbuilding from the remainder of the curtilage.

4.0 Planning Policy Context

4.1 The site falls within South Manchester on the Core Strategy Development Plan Proposals Map.

4.2 The following Core Strategy policies are relevant:-

- Policy SP1 - Spatial Principles
- Policy EN1 - Design Principles & Strategic Character Areas
- Policy DM1 - Development Management

4.3 Advice contained within Places for Everyone and the National Planning Policy Framework (NPPF) is also relevant.

5.0 Justification

5.1 The Council has already found the provision of an annexe of the same design on the site acceptable in the granting of 120363/FH/2018 and the proposal was deemed acceptable when assessed against relevant policies of the Core Strategy and as such the retention of the building for ancillary residential accommodation in connection with No. 32 Montcliffe Crescent, should be permitted.

6.0 Conclusion

6.1 The retention of the building for use as ancillary accommodation solely in connection with No. 32 Montcliffe Crescent, subject to the removal of the fence within the timescale specified within the varied enforcement notice, should be allowed. The resultant development will align with the scheme approved by the Council under 120363/FH/2018 and is compliant with relevant Core Strategy policies.

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