

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140236/FO/2024

Date registered valid: 10 June 2024

Proposal: Retention of outbuilding to form ancillary accommodation to the existing dwellinghouse

Address: 32 Montcliffe Crescent, Manchester, M16 8GR

Ward(s): Whalley Range Ward

Applicant: Mr Shakil Ahmed

Agent (if any): Mrs Caroline Tamworth, Caroline Tamworth Planning

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **31 July 2024**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 June 2024

Standard consultations:

No consultations have been printed and sent.

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 32 Montcliffe Crescent within the south Manchester ward of Whalley Range. The property has a single storey side extension and gardens to the front and rear. There is a drive at the front of the property and a garage in the rear garden which has been demolished and replaced with a single storey 3-bedroom dwellinghouse that is the subject of this application. The original dwellinghouse fronts a footpath linking Montcliffe Crescent to Stoneyfield Close. Montcliffe Crescent runs along the eastern side of the site where access is provided by a double metal gate to the single storey dwellinghouse/ outbuilding in the rear garden.

The surrounding area is residential in context.

Description of development

The submitted application seeks the retention of outbuilding to form ancillary accommodation to the existing dwellinghouse.

As existing, the property has been unlawfully used as an independent dwellinghouse with kitchen, living and dining room, bathroom and 2 bedrooms, its own off street parking

arrangement, soft landscaping. The independent dwellinghouse has been separated from the main dwellinghouse by a timber fence. Due to the complex history of the site (see further details below), the applicant now wishes to return the outbuilding to an outbuilding with an incidental use.

The outbuilding would take the form of a gym, toilet, office and workshop. The timber fence separating the main dwellinghouse and outbuilding would be removed as a result of the application. Windows would take the form as those seen at the time of the site visit and would include two doors and two windows within the front elevation, two windows within the side elevation facing Montcliffe Crescent and a further window within the other side elevation.

Negotiations during the Course of the Application

Conditions in regard to the fence to be demolished and boundary treatment were sent to the agent to review. The agent stated the boundary treatment along Montcliffe Crescent was incorrectly drawn and that the applicant wishes to keep the boundary treatment arrangement as is seen on site.

Planning History

In short, approval was sought for an outbuilding to be used incidental to the main dwellinghouse. It then came to light that the outbuilding was used as an independent dwelling with a fencing erected separating the main dwellinghouse from the outbuilding.

The history consists of:

139952/FH/2024- Erection of a single-storey rear extension to create additional accommodation.

Refused 1 July 2024.

138959/FH/2024-Erection of a first floor side extension to create additional living accommodation.

Approved 1 March 2024.

135281/FO/2022-Retention of 3 bedroom single storey dwelling house (Class C3).

Refused at Committee 16 December 2022. Appeal Dismissed.

In September 2023 the Planning Enforcement Team served an enforcement notice on the owner of the site which required the demolition of the building and removal of the fence. 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. The current application has now been submitted.

120363/FH/2018-Erection of a single storey outbuilding in rear garden following demolition of existing garage.

Approved 7 August 2018.

This application approved the hipped roof for the outbuilding

119550/LP/2018- Application for a Certificate of Lawful Proposed Development for an outbuilding.

Approved 23 May 2018.

116586/FO/2017-Erection of a single storey building to form residential accommodation within rear garden following demolition of existing garage.
Withdrawn 8 August 2017.

087382/FH/2008/S1-Erection of a 2 metre high boundary wall with timber infill panels and access gates.
Approved 8 September 2008.

085675/FH/2008/S1- Erection of a 2 storey rear extension and two single storey side extensions to form additional living accommodation.
Approved 25 February 2008.

071879/FH/2004/S1-Erection of a 2 storey rear extension and single storey side extensions to form additional living accommodation.
Refused 17 June 2004.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management),

Policy SP1 (Spatial Principles) and

Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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 Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:

i.JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted development application is for the retention of outbuilding to form ancillary accommodation to the existing dwellinghouse. This is considered acceptable to allow the applicant additional accommodation to be used by the main dwellinghouse and given the opportunities for development in this manner as allowed through permitted development rights. However, it is acknowledged that the site has a complex history given the outbuilding has been unlawfully used as a separate dwellinghouse with separated access and off street parking provision remote from the host property. As such, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As no.32 Montcliffe Crescent will return to one planning unit, it is not considered that the retention of the outbuilding would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The application seeks permission for the outbuilding to be used as an incidental use to the main dwellinghouse and to provide a gym, toilet, office and workshop. Considering the outbuilding will act as additional facilities for the applicant site, this is considered acceptable. To ensure the outbuilding is only used in the manner proposed, a condition would be attached to any approval granted ensuring the outbuilding is used for incidental use. This is considered necessary to ensure the outbuilding does not revert back to a use as an independent dwelling and thus give rise to adverse implications in terms of intensification of use, parking and bin store pressures and creating inadequate amenity space for the main dwellinghouse.

It is acknowledged that the windows proposed in the outbuilding are not the window arrangement that has had consent previously under planning reference: 120363/FH/2018. The existing outbuilding as was seen during the site visit involves the insertion of an additional door within the front elevation, two additional windows within side elevations and the loss of the approved rear elevation window- all of which do not have consent.

The current application would seek to regularise the additional fenestration at the site. The insertion of additional door within the front elevation is not considered to give rise to any visual/ residential amenity implications and would be considered a design preference. The additional window to be inserted within the side elevation facing the road of Montcliffe Crescent is not

considered to give rise to any adverse amenity implications given it does not look onto any neighbouring properties and due to the existing boundary treatment, it is not considered to give rise to adverse overlooking implications for the applicant when utilising the space. Whilst the window inserted in the side elevation from the gym is considered unnecessary given it looks onto the shared boundary with neighbouring property no.9 Stoneyfield Close, given the high boundary it is not considered to give rise to adverse implications in terms of overlooking to the neighbour. The loss of the window within the rear elevation is welcomed given its proximity to the rear boundary. As such, the fenestration to be retained is considered acceptable.

Given the footprint of the outbuilding has previously been approved under 120363/FH/2018 with a hipped roof formation, the proposal is not considered to create an overbearing feature, give rise to any loss of light/overshadowing implications to the neighbour no.9 Stoneyfield Close nor neighbours to the rear along Montcliffe Crescent.

The plans show the removal of the timber fence currently separating the main dwellinghouse with the retained outbuilding. This is necessary to ensure the property is utilised as one dwellinghouse. As such, the works to remove the fence would be conditioned within any approval granted to ensure the rear garden is returned to its original use and is commensurate with the proposed use as an outbuilding for incidental purposes.

The plans submitted show the double gates along Montcliffe Crescent (allowing off street parking to the previously independent dwellinghouse) would be retained. Conversations with the agent took place during the course of the application as the LPA would prefer the alteration of the double gates to a single pedestrian gate to ensure the rear amenity space is only used for the enjoyment of the applicant property. This is considered appropriate given the property benefits from sufficient off street parking to the front of the property. It was not possible to reach an agreement with the agent as the applicant resisted the change of the double gates to single due to cost implications and as such, a condition would be attached to any approval granted for the boundary treatment along Montcliffe Crescent to be agreed with the LPA after any decision for the retention of the outbuilding is granted. Further, this condition would involve the requirement to provide a treatment plan for the remaining amenity space for consideration and agreement, to ensure the resulting amenity space as a result of the application is made good and is considered to be an adequate standard to support and benefit the applicant.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity, and conditions would be attached to any approval granted to ensure the outbuilding be used in the manner proposed and to return the site to a manner that is commensurate with a single dwellinghouse. As such, the proposal is considered pursuant to policy DC1 of the UDP, policies SP1 and DM1 of the Core Strategy, JP-S1 of Places for Everyone and policies within the NPPF.

Design and Appearance

The outbuilding is constructed in materials to match the host dwellinghouse and as such, is considered acceptable in materials and appearance.

The form and scale of development is the same as the scale of development approved under 120363/FH/2018 and is therefore considered acceptable in design and appearance.

It is noted that the proposal could not be achieved through the route of Permitted Development given the height of the structure.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Car Parking

No change to parking arrangements would occur as a result of the proposal. A condition would be attached to any approval granted for conversations to take place and be agreed after a decision is granted in relation to the double gates along Montcliffe Crescent.

Bin Storage

As the space would be used for one dwellinghouse only, the number of bins would reduce as a result of the proposal and therefore is considered acceptable with adequate off street space for the bins to be stored.

Conclusion

Overall, the proposal can be accepted given the existing built form has previously been approved at the site (see planning reference: 120363/FH/2018) and given the use of the outbuilding will be returned to an incidental use. Conditions would be placed on any approval granted to ensure the outbuilding is used in the manner proposed and that the amenity space is returned to a way which is commensurate with a single dwellinghouse on the site.

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

The proposal was assessed 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. In this instance officers have worked with the applicant in a positive and proactive manner, and discussions have taken place with the agent, and appropriate conditions have been attached to any approval granted.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Application Form, stamped as received by the City Council as Local Planning Authority on 10 June 2024.

-Drawing- Proposed- Plans, numbered M168GR/PA02, stamped as received by the City Council as Local Planning Authority on 26 July 2024.

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

2) Notwithstanding the details shown within 'Proposed- Plans, numbered M168GR/PA02', stamped as received by the City Council as Local Planning Authority on 26 July 2024, within 28 days of planning permission hereby granted a plan indicating the positions, design, materials and type of boundary treatment along Montcliffe Crescent and treatment plan for the retaining external amenity space shall be submitted to and approved in writing by the local planning authority.

The boundary treatment shall be completed within 6 months of the approval granted.

Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - In order to secure the site boundaries, achieve appropriate noise attenuation and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

3) Within 28 days of planning permission hereby granted the boundary treatment shall be implemented in accordance with the approved plans 'Proposed- Plans, numbered M168GR/PA02', stamped as received by the City Council as Local Planning Authority on 26 July 2024, and maintained in situ thereafter. This condition only relates to the removal of the existing fence separating the main dwellinghouse from the outbuilding.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site

is located in order to comply with saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

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.

Reason- To protect the amenity of the occupiers from the adverse impact of a separate dwelling on the site pursuant to Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

9 Field View Walk, Manchester, M16 8GU
12 Field View Walk, Manchester, M16 8GU
11 Field View Walk, Manchester, M16 8GU
10 Field View Walk, Manchester, M16 8GU
8 Field View Walk, Manchester, M16 8GU
34 Montcliffe Crescent, Manchester, M16 8GR
30 Montcliffe Crescent, Manchester, M16 8GR
28 Montcliffe Crescent, Manchester, M16 8GR
9 Stoneyfield Close, Manchester, M16 8GT
71 Montcliffe Crescent, Manchester, M16 8GR

Appendix 2 – Planning constraints

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