Planning

Growth & Development

Delegated officer report for planning application

Application no.	139841/FH/2024
Date registered valid:	29 April 2024
Proposal:	Erection of single storey outbuilding to provide ancillary accommodation.
Address:	11 Sinclair Avenue, Manchester, M8 4FL
Ward(s):	Crumpsall Ward
Applicant:	Mr Ayub
Agent (if any):	Mr Subhan Saleem
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	19 June 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13 June 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 30 April 2024 Expired: 22 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Planning consent is sought for the erection of single storey outbuilding to provide ancillary accommodation.

The property is a two storey semi-detached dwelling built around 1930, with bay fronted windows, good size garden to the front and rear, and a large side garden with driveway. The property has previously been extended. The property sits at the head of a cul-de-sac.

The property has gardens to three sides, with the largest piece of land to the side. It is also set back of the footpath and is not overly dominant in the street scene.

The proposed outbuilding would be positioned between two retaining walls which forms the boundary of the property. The surrounding gardens of the properties that flank three sides of the site are elevated.

Planning History

110920/FH/2016/N1 Erection of a two-storey side extension, part single, part two storey rear extension and erection of single storey garage within rear. Withdrawn.

108360/FH/2015/N1 Erection of a two-storey side extension, part single, part two storey rear extension and erection of single storey garage within rear garden following demolition of

existing garage, together with erection of retaining walls, with associated changes to the levels of land, and hard and soft landscaping. Approved.

080762/FH/2006/N1 Erection of two storey side extension and detached garage to rear. Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and representations 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).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:
a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.
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 CABE 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

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seeks to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. National Planning Policy Framework (NPPF) seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The proposal relates to an outbuilding that is proposed to be used as ancillary accommodation. Further consideration will be given as to whether the proposal has any impact on surrounding visual amenity in particular the effect upon the amenity of neighbouring occupiers.

Scale

The property has an oblong rear garden, and the proposed building would have a footprint of approximately 30 meters squared. Given the size of the rear garden this is not considered to be excessive. In terms of height the building would be approximately 2.5 metres high overall, with an approximate eave's height of 2.5 metres, which would be allowed under permitted development. On balance it is considered that the large size of the gardens and the gardens that adjoin the proposed building is not overly high, and due to the topography of the site. It is therefore considered that the scale of the proposed building is acceptable.

Design

The building has a flat roof falling and is brick and tile construction to minimise its impact. It is on balance considered that the proposed design of the building would be appropriate to an ancillary structure in a rear garden and is acceptable.

Use

Policy DC1 contains provisions for the provision of so-called granny annex to be considered on their merits. An appropriate condition is proposed to ensure that the property is not used as an independent dwelling.

Residential Amenity

In terms of privacy the principal window/main entrance faces up the garden towards the main house and as such raises no privacy issues. There are windows in the rear elevation or side elevation, however it is considered the front bathroom window be obscurely glazed for modesty reasons.
In terms of overbearing impact, the structure would be set in marginally from the common boundary. Currently intermittent boundary treatments are present, despite this it is considered

that given the size and position of the proposal and the size of the adjacent gardens any overbearing impact would not be so significant as to justify refusing consent.

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the applicant could be a similar outbuilding with a maximum height of 2.5 metres. This would be considered the fall-back position, the fallback is a material consideration in the decision-making process, of which the PD rights given by the Order comprise an element. Thus, when making a decision on a planning application it may be argued with some effect that a development carried out to slightly 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.
Whilst the proposal is located close to the shared boundary, the additional 0.7 metres in height above PD rights is not considered to give rise to any disamenity to the neighbouring properties.

A condition is recommended to ensure that a condition is attached to ensure that the proposed outbuilding is ancillary to the use of the main dwellinghouse.

In addition to the reasons set out above the applicant will erect fencing along the common boundary to further protect the amenity of the surrounding occupiers.

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 polices 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 agent/applicant in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in the dealing with the application.

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

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

Sheet 1 Location Plan, Sheet 2 Site Plan, Sheet 3 and Sheet 4, stamped as received on the 17 April 2024.

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

3) The development hereby approved shall be carried out in accordance with the materials as set out in drawings:

Sheet 3 and Sheet 4 stamped as received on the 17 April 2024.

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, as specified in policies SP1 and DM1 of the Core Strategy.

4) The outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Sinclair Avenue.

Reason: To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

5) Before first occupation of the outbuilding, the bathroom window on the front elevation facing 11 Sinclair Avenue, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy

Appendix 1 – List of consultees & neighbours notified

Flat 3, 61 Crumpsall Lane, Manchester, M8 4ED
Flat 2, 61 Crumpsall Lane, Manchester, M8 4ED
Flat 1, 61 Crumpsall Lane, Manchester, M8 4ED
SPAR, 63 Crumpsall Lane, Manchester, M8 4ED
Flat 4, 61 Crumpsall Lane, Manchester, M8 4ED
51 Crumpsall Lane, Manchester, M8 4ED
53 Crumpsall Lane, Manchester, M8 4ED
59 Crumpsall Lane, Manchester, M8 4ED
9 Sinclair Avenue, Manchester, M8 4FL
10 Sinclair Avenue, Manchester, M8 4FL
57 Crumpsall Lane, Manchester, M8 4ED
55 Crumpsall Lane, Manchester, M8 4ED
49 Crumpsall Lane, Manchester, M8 4ED
12 Sinclair Avenue, Manchester, M8 4FL

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA