

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139864/FO/2024
Date registered valid: 23 April 2024
Proposal: Retention of existing boundary treatment to the front garden
Address: 492 Victoria Avenue, Manchester, M9 0PL
Ward(s): Higher Blackley Ward

Applicant: Mr Shakeel Ahmed Kayani
Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 10 June 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10 May 2024

Standard consultations:

Printed: 1 May 2024 Expired: 23 May 2024

Neighbour notifications

Printed: 1 May 2024 Expired: 23 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

Description of area

The application site relates to 492 Victoria Avenue within the Higher Blackley ward of north Manchester. The application site relates to a semi-detached, two storey, dark brick dwellinghouse. Amenity space to the front of the property consists of an off street driveway bounded by high composite boundary treatment and a garage to the side of the property. Amenity space to the rear of the property consists of a grassed garden. Due to the change in topography, the rear of the property benefits from a lower ground floor level, however as existing the lower ground floor is used for storage purposes only.

The surrounding area is residential in context, with Blackley Cemetery and Blackley Forest sited to the south of the applicant site.

Description of development

The application seeks planning consent for the retention of existing boundary treatment to the front garden. The unlawful works to the front of the property were picked up during the consideration of a previous householder application for works to the rear of the property (see planning history for further details), as the fence exceeds height restrictions for boundary

treatments stipulated by permitted development rights. The application form confirmed the works started on site on 1 October 2021 and finished 29 October 2021.

The boundary treatment as built consists of black metal posts and grey composite panelled front boundary treatment. This takes the form of a pedestrian gate and bi-folding gates within the front elevation to allow cars to park within the curtilage of the dwellinghouse. Victoria Avenue has a change in topography with the ground level rising east along Victoria Avenue. As such, the measurements of the boundary treatment are not uniform across the site. Whilst the pedestrian gate has a height of 1.8 metres, the boundary treatment along the front elevation increases to 1.9 metres at the point closest to the neighbouring property no.490 Victoria Avenue. A level of visual permeability is achieved along the front boundary after a height of approximately 1.5 metres. Along the shared boundary with no.490 Victoria Avenue the fence has a height of 1.9 metres and along the shared boundary with no.494 Victoria Avenue the fence has a height of 1.7 metres.

Planning History

139005/FH/2024- Erection of ground and lower ground floor rear extension to form additional living accommodation with associated external steps and decking, following excavation of rear garden.

Approved 8 March 2024.

Consultations & Notification Responses

Local Residents

Local residents were consulted, and no responses were received.

Highway Services

Highway Services were consulted on the application and provided the following response:

Highways have concerns over compromised visibility between an egressing vehicle and passing pedestrians along Victoria Avenue. All boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m upwards.

All gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

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)

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.

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 existing boundary treatment to the front garden. Whilst it is acknowledged the insertion of boundary treatment to offer additional privacy and security to the front of a property could be considered acceptable in principle, the boundary treatment in this instance creates an overbearing feature for neighbouring properties, is considered an incongruous feature and gives rise to concern in relation to highway/ pedestrian safety. For these reasons, the application cannot be supported and the reasoning will now be discussed in detail.

Visual/Residential Amenity

Along the shared boundary with no.490 Victoria Avenue the fence has a height of 1.9 metres. No. 490 Victoria Avenue sits at a higher topography than the applicant site and the neighbouring property benefits from an off street parking space running parallel to the shared boundary and erected boundary treatment. Any harm in terms of visual/residential amenity is felt in a visual sense due to the nature of development. Whilst it is acknowledged the high boundary treatment is unlikely to impact the neighbour's ability to utilise the front amenity space of no.490 Victoria Avenue, it creates an overdominant feature for the neighbour when coming and going from the property.

No.494 Victoria Avenue sits at a lower position than the applicant site and as such, experiences the boundary treatment at a height of 1.7 metres along the common boundary. No.494 also experiences an overdominant feature against the shared boundary, exacerbated by the lower topography of the neighbouring properties, the use of materials, lack of visual permeability and dark colouration of the fencing.

As such, the boundary treatment creates a sense of visual intrusion between the neighbouring properties and the applicant site.

The front boundary treatment is visible for vehicle and pedestrian users of the classified A road of Victoria Avenue, from visitors egressing and accessing the Blackley Cemetery to the south of the applicant site and surrounding neighbouring properties. The boundary treatment as built with a height at the highest point along the front elevation of 1.9 metres is considered to create a visually dominant feature.

Further, the boundary treatment contrasts development to the front of neighbouring properties whereby the boundary treatment is low and offers an attractive boundary to the property. The property previously benefitted from an open front boundary with dense hedging which was considered to reflect similar situations with the neighbouring properties and which created a more sympathetic entrance to the property. In this instance, the height of the boundary creates an overly engineered structure considered to create a 'fortress' impression, thus not relating well with the nature of development within the immediate area.

For these reasons, the proposal is not considered pursuant to Policy DM1 and SP1 and Policy DC1 of the Unitary Development Plan for the City of Manchester, in relation to visual and residential amenity.

Design and Appearance

Permitted Development rights would allow the insertion of a boundary treatment up to 1 metre in height at the point adjacent to the highway and after a set back from the highway of 1 metre, this could be increased to 2 metres. As such, the development whilst in some cases could be done through permitted development rights, could as a whole not be achieved through this route. The additional up to 0.9 metres height of the boundary treatment as seen at the site creates an overdominant feature to the front of the property and exceeds the height of boundary treatments in the surrounding area. As such, the proposal is considered excessively large, contrary to Policy DC1.2 of the UDP.

The proposal is considered to relate poorly to the context of the surrounding properties. Residential properties surrounding the applicant site are characterised by low red brick walls with infill wooden fence/ iron railing detailing, with dense hedging, bushes and shrubs. Any substantial height evident within boundary treatments of the surrounding properties is from dense hedging, rather than the insertion of excessively tall fences or gates. Further, surrounding boundary treatments offer a level of visual permeability at an appropriate height to retain the sense of openness to the properties. Whilst the front boundary treatment offers a level of visual permeability at the lowest point of 1.5 metres in height, this is not considered sufficient to replicate the sense of openness in the surrounding area and still gives the impression of an over engineered structure.

Further, the use of materials and black colouration is not considered appropriate for its setting. The boundary treatment as built consists of black metal posts and grey composite panelled front boundary treatment. Whilst the dark colouration of surrounding boundary treatments is evident within timber panels of the front boundary treatment of no.494 Victoria Avenue and the colouration of boundary treatment cannot be controlled through permitted development rights, the use of block grey panels in conjunction with black metal posts creates the impression of an over engineered and oppressive feature. Further, the use of composite panels is not considered to be a high quality material and does not relate well to other materials used for boundary treatments in the immediate area, including timber fences and red brick.

As such, the proposal would be considered to form an incongruous and visually intrusive feature within the street scene and would be detrimental to the character and the appearance of the area. The proposal is contrary to Policy DM1 and SP1 and Policy DC1 of the Unitary Development Plan for the City of Manchester, in relation to design and appearance.

Highway Safety

Highway Services were consulted on the application. Victoria Avenue is a classified A road. Highways raised concerns that the structure creates compromised visibility between an egressing vehicle and passing pedestrians along Victoria Avenue. This is due to the boundary treatment not offering a suitable level of visual permeability after an appropriate level, at the points the boundary treatment intercepts the highway, the boundary treatment is not formed so that visibility is increased and is due to the overall height of the structure. The boundary treatment would lead to safety implications for both the applicant using the driveway and also lead to compromised visibility for the neighbouring property no.490 Victoria Avenue when using their driveway. This in turn would be detrimental to highway and pedestrian safety. As such, the proposed development would be contrary to policy DM1 of the adopted Core Strategy for Manchester.

Conclusion

It is considered the front boundary treatment as built creates an unacceptable feature within the street scene and would be detrimental to the character of the residential area. It is also considered that the treatment has an unduly overbearing appearance to the adjoining occupiers. The proposal results in an unacceptable impact on pedestrian and highway safety due to the design and height of the boundary treatment. Three reasons for refusal will be issued within any decision notice granted, reflecting the concerns of the Local Planning Authority.

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: Refuse

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; however, the proposal is not considered to apply with Council policies. As the boundary treatment is already in situation, the application will be referred to the Compliance Team for enforcement action to be undertaken in due course to remove the unauthorised works.

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

1. Visual amenity:

The front boundary treatment by virtue of its siting, scale, massing, materials and colouration would form an incongruous and visually intrusive feature within the street scene and would be detrimental to the character and the appearance of the area. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1 of the Core Strategy for Manchester, JP-S1 of the Places for Everyone Plan and Policy DC1 of the Unitary Development Plan for the City of Manchester.

2. Residential amenity:

The front boundary treatment, by virtue of its siting, scale and massing would form an overbearing and visually intrusive feature against the common boundaries with no.494 and no.490 Victoria Avenue, to the detriment of residential amenity. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1 of the Core Strategy for Manchester, JP-S1 of the Places for Everyone Plan and Policy DC1 of the Unitary Development Plan for the City of Manchester.

3. Highway safety:

The front boundary treatment is considered to create compromised visibility between an egressing vehicle and passing pedestrians along Victoria Avenue, given the height and lack of visual permeability, for both the applicant property and for no.490 Victoria Avenue. This in turn would be detrimental to highway and pedestrian safety. As such, the proposed development would be contrary to policy DM1 of the adopted Core Strategy for Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Glenbrook Chapel, 451 Victoria Avenue, Blackley, Manchester, M9 8PJ

494 Victoria Avenue, Blackley, Manchester, M9 0PL

8 Meverley Road, Manchester, M9 0PG

490 Victoria Avenue, Blackley, Manchester, M9 0PL

10 Meverley Road, Manchester, M9 0PG

6 Meverley Road, Manchester, M9 0PG

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) -

Area Team Boundary - Name: NORTH AREA