

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139044/FO/2024
Date registered valid: 23 January 2024
Proposal: Erection of three bed detached two storey dwelling house within the grounds of Ivy Cottage and creation of new vehicular access
Address: Ivy Cottage, Wythenshawe Road, Manchester, M23 9DD
Ward(s): Brooklands Ward

Applicant: Mr John Copeland
Agent (if any): Mr Kevin Maloney, Blueprint CAD Ltd
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: **REFUSE**
Date of recommendation: **15.03.2024**

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 15.03.2024

Standard consultations:

Printed: 8 February 2024 Expired: 29 February 2024

Neighbour notifications

Printed: 8 February 2024 Expired: 29 February 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: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area to the application site is predominantly residential in nature with a mix of housing types reflective of the development of the area since the mid 1850 and particular post war residential development associated with the growth of Wythenshawe during this period. Wythenshawe Road connects the M56 to the east and the A560 Altrincham Road via Ferndown Road, as a result it is a busy road. A commercial Business park is located to the south of the application property with its main access from Moor Road to the east but with a recent area of car parking accessed directly off Wythenshawe Road.

The application site relates to the side and rear garden area of Ivy Cottage a 19th Century which is set at an angle to Wythenshawe Road. Ivy cottage is a two-storey brick residential property, the bricks are painted white, the dual pitched roof is slate covered, with painted cills below windows. A single storey front porch is located centrally on the front elevation and a single storey side extension and single storey rear conservatory have also been added to the property in the past. To the front of the property is a hedgerow with grey railings and access gate. More recent additions to the front are a grey access gate and installation of dropped kerb onto Wythenshawe Road, there is no planning history for either of these works.

To the east of Ivy Cottage is a farm shop a part single part two storey building which fills most of the plot with a small external area to the front, side and rear which contains waste bins and parcel collection/drop off structure. To the west is a pair of Victorian two storey semi-detached

properties which have been subject to a variety of extensions to the side and rear. . To the rear of the property are three recently completed two storey residential properties with associated car parking, these properties are accessed via Dominic Close.

Description of development

The proposals relate to the proposed erection of a 3 bedroom detached 2 storey dwellinghouse within the existing side/rear garden to Ivy Cottage together with the creation of a new vehicular access onto Wythenshawe Road.

The proposed dwelling would have an external finish in a chalk white silicon render, and a natural Spanish slate roof tiles, windows would be dark grey uPVC with stone cills and lintels painted dark grey. The proposed dwellinghouse would be bounded by a 1.8m high concrete post and timber panel fence with existing rear fence to be retained.

The dwellinghouse would have a height from ground level to ridge of approximately 7m with a height to eaves of approximately 5m. The width of the property would be 6.3 m and a depth of 9.6m. The front elevation would have a ground floor bay window detail and front door together with two second floor windows, the rear elevation would contain a rear patio door and window at ground floor and two second floor windows. The dwellinghouse would be sited 650mm from the boundary with Ivy Cottage (1.5m from the side elevation of the Cottage) and 1.8m narrowing to 1m at the rear of the proposed dwellinghouse to the boundary with the adjacent property at 410 Wythenshawe Road. The roof to the dwellinghouse would be hipped.

The driveway serving the new vehicular access and 2 no. car parking spaces would be finished with permeable paving. The side elevation facing Ivy Cottage would contain one centrally located ground floor window serving a lounge, whilst the elevation facing the adjacent property would contain 3 ground floor windows serving the dining room, downstairs W/C and hallway and two second floor windows serving a bathroom and landing area.

The driveway to the front accessed off Wythenshawe Road would lead onto a paved area that would continue around the front, sides and rear of the proposed dwellinghouse to form a patio leading to a lawned rear garden. Trees within the rear garden boundary with 410 Wythenshawe Road would be retained where they lie 2.7m from the rear elevation of the dwellinghouse. The rear garden would extend between 12.7 and 11.6m from the rear elevation of the proposed dwellinghouse, bins would be stored in the rear garden with adequate space at the side being maintained for bins to be brought to Wythenshawe Road for collection. Front hedgerows to the site are annotated as to remain although the proposed driveway is shown as washed over the entire front area of the site with no space for retained hedgerow.

Relevant Planning History

138744/FH/2023 -Ivy Cottage - Erection of two storey side extension to provide additional living accommodation – Approved 11.03.2024

122007/FH/2018 – Ivy Cottage - Erection of a two storey side extension to form additional living accommodation – Approved 04.02.2019

110008/FO/2015/S2 - Land To The Side And Rear Of Ivy Cottage - Erection of a terrace of three, two-storey dwelling houses together with associated car parking – Approved 27.05.2016

082967/FH/2007/S2 – Ivy Cottage - Erection of a 2 storey side extension following demolition of existing single storey side extension – Approved 18.06.2007

073154/OO/2004/S2 - Land Adjacent To Ivy Cottage - Outline application for the erection of a two storey dwellinghouse with integral garage with access from Wythenshawe Road -Refused 03.11.2004 -Appeal Dismissed 30.06.2005

Consultations & Notification Responses

The application has been subject to neighbour notification letters sent to adjacent properties, and statutory consultations. One comment objecting to the proposals has been received. A summary of comments received is set out below:

Resident comment:

Overlooking / Loss of Privacy - The proposed development has five windows on the elevation three at ground level and two at first floor level overlooking kitchen and impinging on the privacy of the bedroom.

Sunlight / Daylight / Overshadowing - As proposed there is only a narrow pathway, leading to the rear garden. The construction of a two-storey dwelling would seriously impact on sunlight / daylight in the adjacent property and rooms within that side of the building.

Noise / Traffic - Wythenshawe Road is a busy road especially in morning and evening rush hours, but also at school times. Currently there are issues with cars parking on the pavement, including works vans and lorries. Construction deliveries, contractors' cars, vans and lorries would cause serious noise pollution and disturbance to neighbours. Cars entering and leaving the proposed development would exacerbate the problem as well as adding to noise and fume pollution.

MCC Highway Services – Raise no highway capacity or highway safety concerns with the proposal. Further information would be required in relation to the width of the dropped kerb access, EV charging points, cycle parking, all gates to be inward opening, and construction management.

MCC Environmental Health – Recommend conditions be attached to any approval relating to construction hours, contaminated land, and waste bins.

United Utilities – In the absence of a full drainage scheme for the proposals request an appropriately worded condition be attached to any approval.

Policy

Local Development Framework - The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle)

Policy DM1 (Development Management)

Policy H1 (Overall Housing Provision)

Policy H7 (Wythenshawe)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN3 Heritage

Saved Unitary Development Plan Policies DC26.1, DC26.2 and DC26.5 Development and Noise

Relevant National Policy

The National Planning Policy Framework (December 2023) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. The following specific policies are considered to be particularly relevant to the proposed development:

Section 5 (Delivering a sufficient supply of homes) - The proposals would provide 1 residential unit.

Section 11 (Making Effective Use of Land) - The proposal would develop an existing garden area associated with the existing residential property on the site and is not therefore considered to be previously developed land.

Section 12 (Achieving Well-Designed Places) - The proposals are supported by a Design and Access statement that sets out the context of the site and the design process undertaken.

Section 14 (Meeting the challenge of climate change, flooding and coastal change) -The site is within Zone 1 of the Environment Agency flood maps and has a low probability of flooding.

Section 16 – (Conserving and enhancing the historic environment)

Other Material Considerations

Places for Everyone Policy

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Relevant policies are:

JP-S 1: Sustainable Development

JP-H1 : Scale, Distribution and Phasing of New Housing Development

JP- H3: Type, Size and Design of New Housing

Guide to Development in Manchester SPD

Guidance contained within the SPD includes:

- Character and Context: A place with its own identity: Design should respect and be informed by location
- Continuity and Enclosure: A place where public and private spaces are clearly distinguished: The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline.

Issues

Principle – The general principle of infill residential development in a predominantly residential area is considered acceptable. There have been a number of schemes within the vicinity of the application property including part of the rear garden of Ivy Cottage that have been developed for housing in recent years. In this instance it is considered that the character of the host property together with the historic pattern of development would be impacted by the proposed erection of a residential property in this location. Further consideration of visual and residential amenity impacts are set out below.

Residential Amenity – Concerns have been raised with the potential impacts of the proposal on adjacent properties in terms of loss of privacy/ overlooking and impacts on overshadowing, loss of daylight and sunlight.

Whilst the proposals include windows on the side elevations, particular the elevation facing number 410 Wythenshawe, these windows generally serve rooms that are non-habitable with only the ground floor dining room window serving a habitable room. This window would be a secondary window and it is considered that if the proposals have been acceptable a condition could have been applied to any permission that these side windows be obscurely glazed to remove direct overlooking onto neighbouring properties.

The application proposals would sit immediately to the east of the adjacent property at 410 Wythenshawe Road and would extend approximately 3.4m beyond the rear wall of no. 410. Whilst the existing boundary between the properties consists of vegetation and trees, it is likely that the height of the proposed dwelling and its close relationship to the boundary with number 410 would give rise to some overshadowing and loss of light to the side of that property and garden area. However, it is considered that these impacts would be limited and are not considered to be significant.

The proposed dwelling would sit approximately 1.6m away from Ivy Cottage, it is noted that there is a first floor window in the side elevation of this property and recently submitted plans

indicate that this serves a staircase in the rear of that property. A smaller window is present on the ground floor and this serves a small room off the rear living accommodation. Given the relationship between the proposed dwelling and Ivy Cottage there would be resulting loss of light to these windows, as these windows appear to be serving non-habitable rooms these impacts are not considered to be significant.

Visual Amenity – Ivy Cottage and its grounds reflect the historic pattern of development in this part of Wythenshawe Road. The Cottage and immediately adjacent properties are reflective of the layout and historic development in this area from the Victorian period. Ivy Cottage and the row of terraced properties to the south-east were the earliest properties developed on Wythenshawe Road with adjacent properties being developed later in the Victorian period. This remained the position until the post war era when residential development associated with the growth of Wythenshawe expanded on the land around these properties. The result is a distinct cluster of older properties around Ivy Cottage.

The proposed dwellinghouse would be sited approximately 1.6m from the side wall of Ivy Cottage and between 3.2 and 3.7m from the side wall of the single storey side extension at number 410 Wythenshawe Road.

The narrow gap between the proposed dwelling and Ivy Cottage would when viewed in the street and given the siting along the same building line as a continuous developed form along the streetscene. This would erode the spacious character at the side of Ivy Cottage and the historic pattern of development between the cottage and the adjacent semi-detached properties at 410 and 412 Wythenshawe Road. The differing eaves heights, roof form, modern render and window sizes of the proposed dwelling immediately adjacent Ivy Cottage would appear incongruous and visually jarring given the close proximity of the proposed dwelling adjacent Ivy Cottage and the Victorian period properties at 410/412 Wythenshawe Road. As such the proposals are considered to give rise to unacceptable impacts on the visual amenity and character of the area.

Highways and Access- It was noted at the time of the site visit that dropped kerb had been installed and new access gates into the side garden had been installed. No planning consents appear to have been obtained for either of these works.

MCC Highway Services have raised no in principle objection to the creation of a new access on pedestrian and highway safety grounds.

Benefits of the proposal – The proposals would contribute a further additional dwellinghouse into the local area. There is a benefit deriving from this provision, however, the wider grounds to the Cottage have previously been redeveloped to provide 3 new dwellinghouses. In this instance it is considered that the benefit arising from the provision of one additional dwelling does not outweigh the harm arising from the proposals as set out in this report.

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 application has been determined within statutory timescales. In this instance the concerns with the proposals were relayed to the applicant, no amendments were considered capable of being made that would make the proposals acceptable.

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

- 1) The design, size and siting of the proposed two storey dwellinghouse would constitute an incongruous form of development, that would have a detrimental impact on the appearance of the street scene and character of the area. As such the proposals are considered to be contrary to policies DM1 and SP1 of the Core Strategy and section 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

2A Dominic Close, Manchester, M23 9GA
2C Dominic Close, Manchester, M23 9GA
The Farm Shop, 400 Wythenshawe Road, Manchester, M23 9DD
The Cottage, 410 Wythenshawe Road, Manchester, M23 9DD
Woodwise Cottage, 412 Wythenshawe Road, Manchester, M23 9DD
2B Dominic Close, Manchester, M23 9GA
249 Wythenshawe Road, Manchester, M23 9DE
8 Woodwise Lane, Manchester, M23 9QY
259 Wythenshawe Road, Manchester, M23 9DE
255 Wythenshawe Road, Manchester, M23 9DE
251 Wythenshawe Road, Manchester, M23 9DE
245 Wythenshawe Road, Manchester, M23 9DE
257 Wythenshawe Road, Manchester, M23 9DE
253 Wythenshawe Road, Manchester, M23 9DE
247 Wythenshawe Road, Manchester, M23 9DE

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA