

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139086/FH/2024
Date registered valid: 30 January 2024
Proposal: Installation of increased fence height of property adjacent to back of shops from 1.9m to 2.8m
Address: 1 Shadowbrook Avenue, Manchester, M23 2BD
Ward(s): Baguley Ward

Applicant: Mr Krzysztof Jablonski
Agent (if any): Mr David Huxley Platinum Architecture
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 26 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 February 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 February 2024 Expired: 1 March 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 1 Shadowbrook Avenue within the south Manchester ward of Baguley. The application site relates to an end terraced, red brick, two storey new build dwellinghouse with gable roof and a front single storey element with pitched roof. Amenity space surrounding the property consists of an off street driveway, amenity space to the side in the form of hardstanding and a garden to the rear of the property. The property borders a communal service yard for the commercial units off Greenbrow Road.

The surrounding area is residential in nature.

Description of development

The submitted application seeks planning permission for the installation of increased fence height of property adjacent to back of shops from 1.9m to 2.8m.

The section of increased fence would be set back 2.5 metres from the back of the pavement of Shadowbrook Avenue.

The timber panels to be used would match those existing at the site.

Planning History

057759/FO/SOUTH2/99- Land off Greenbrow Road/Chalford Road- Mixed development comprising 79 residential units and 4 shop units. Approved 27 January 2000.

043980/VO/SOUTH3/93- Land at Greenbrow Parade Newall Green- Demolition of existing shops/ housing and erection of a supermarket, eight shops, new housing with carparking and landscaping. Approved 30 September 1993.

Consultations & Notification Responses

Local Residents

Local residents were consulted and one resident commented in support of the application.

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.

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

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant 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 installation of increased fence height of property adjacent to back of shops from 1.9m to 2.8m. This is considered acceptable in principle, as many people prefer to alter homes rather than move to meet the changing residential needs of families, including the need to increase privacy and reduce noise disturbance for residential homes. However, 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 the property is to remain a single family dwellinghouse it is not considered that the proposal would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

The proposal would increase the height of the fence along the western boundary of the site from 1.9 metres to 2.8 metres. This application has been submitted to offer the applicant more privacy from the existing commercial units off Greenbrow Road when using the rear amenity space and increase the level of security from the open service courtyard linked to the commercial units.

The fence is not considered to give rise to any adverse amenity implications to the commercial units to the west. The proposal would offer a higher level of privacy than is currently the case and reduce noise disruption from the service yard evident along the rear elevation of the commercial units.

Due to the location of the boundary treatment to be increased, there would be no immediate neighbours to be impacted by the proposal.

The increased boundary treatment would be visible from Shadowbrook Avenue, however views would only be evident when primarily coming into the estate and given the height of the existing metal gate securing the service courtyard of the shops which creates a precedence for high boundary treatment surrounding the commercial service yard, it is not considered to create a harmful feature, to the detriment of visual/ residential amenity.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

The section of boundary treatment would increase to 2.8 metres in height. Given the distance from the public highway, the applicant could achieve a fence with a height of 2 metres using the route of Permitted Development. As such, it is the additional 0.8 metres that need to be assessed for additional harm. Given the fence would be built in a material to match the existing fence at the site and given the purpose of the fence, plus the surrounding commercial context with high boundary features of the steel gate, the height of this section of the fence is considered acceptable. As such, this element is considered pursuant to Policy DC1 of the UDP.

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.

Plans Provided

Plans provided and the description of development indicate the works relate to the section of boundary treatment running along the rear of the commercial units. However, there are some inaccuracies with the height of the gate shown at the front of the property and the section of fence from the back of the pavement is drawn inaccurately. Revised plans were requested but contact with the agent was not possible during the course of the application. An informative would be attached to any approval granted stating that the works approved relate to the section of fence in red shown on the plans only.

Car Parking Arrangements

The existing off street parking space would be retained as a result of the proposal. The section of boundary treatment at the point closest to the back of the pavement and gate would not change as a result of the proposal and so no impacts in terms of highway safety would occur as a result of the proposal.

Bin Storage

Bin storage would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

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 appropriate conditions have been placed on any approval granted.

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:

-Application Form, stamped as received by the City Council as Local Planning Authority on 25 January 2024.

-Drawing- Proposed- Elevation, stamped as received by the City Council as Local Planning Authority on 25 January 2024.

-Drawing- Site Plan, stamped as received by the City Council as Local Planning Authority on 30 January 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.

3) The materials used to construct the boundary treatment hereby approved shall match the existing fence, in terms of colour and type.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

Informatives

- 1) This consent gives planning permission to the section of boundary treatment marked in the red on the proposed elevational drawings only, stamped as received by the City Council as Local Planning Authority on 25 January 2024, and no other sections of the existing boundary treatment at the site.

Appendix 1 – List of consultees & neighbours notified

3 Shadowbrook Avenue, Manchester, M23 2BD
15 Shadowbrook Avenue, Manchester, M23 2BD
9 Shadowbrook Avenue, Manchester, M23 2BD
11 Shadowbrook Avenue, Manchester, M23 2BD
2 Shadowbrook Avenue, Manchester, M23 2BD
Londis, 141 - 143 Greenbrow Road, Manchester, M23 2DB

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 45M
Area Team Boundary - Name: SOUTH AREA