

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138985/FH/2024
Date registered valid: 12 January 2024
Proposal: Erection of single storey outbuilding in rear garden following demolition of existing garage.
Address: 52 Slade Lane, Manchester, M13 0GL
Ward(s): Longsight Ward

Applicant: Mr Naveed Farooq
Agent (if any): Mr Niamat Ali, NA Design
Case officer: Harriet Aidoo
Tel: 0161 234 4532
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Recommendation: Refuse
Date of recommendation: 3 March 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 24 January 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 15 January 2024 Expired: 5 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: No

Tree Preservation Order: No

Description of site / building / area

The application site is 2-storey mid-terrace dwellinghouse, which is located within a terrace of a total 6 houses which are sited close to the junctions of Slade Lane, Mentor Street and Hector Road. In common with the surrounding houses the elevations comprise of red brick and a grey slate roof. The application site responds to the angled configuration of the site boundary. The existing boundary treatment along the side boundaries is defined in-part by concrete post and timber frame panel fencing approximately 1 metre high.

The existing amenity space comprises of a front and (relatively long) rear garden area - approximately 14.8 metres deep.

There is an existing single storey rear extension of timber frame construction, measuring approximately 3.3 metres deep x 2.1 metres wide. There is also an existing outbuilding along the rear garden, along the common shared boundary with no. 54 Slade Lane, whilst retaining a separation distance of approximately 1.8 metres from the common shared boundary with boundary with no. 50 Slade Lane, measuring approximately 5.8 metres deep x 3 metres wide.

An open alleyway runs along the rear boundary. The shallow depth of front garden areas prevents the formation of in-curtilage car parking. The neighbourhood is mixed-use in character.

At the time of the planning officer's site visit, outbuildings were noted along the rear gardens of neighbouring dwellinghouses, and further checks subsequently revealed one record on the planning register in relation to an outbuilding along the rear garden, (ref:055839); the approval relates to an end terrace dwellinghouse with a shallower depth and much broader width of rear garden, and the approved outbuilding is sited horizontally.

Site History:

- No pre-application advice was sought from the local planning authority in relation to this application.
- 112425/FH/2016/N2 - Erection of single storey rear extension to form additional living accommodation - APPROVED August 2016.

Description of development

The submitted application seeks planning permission for the erection of single storey outbuilding in rear garden following demolition of existing garage.

Concerns were expressed to the planning agent regarding the initially submitted plans and it was advised that on the basis of the proposed depth of the outbuilding and side facing windows, the proposed plan presented significant adverse impact to residential amenity, and the agent was advised on how to overcome the planning issues.

Revised plans were subsequently submitted, (dated, 20/02/24). These plans would comprise of a reduction in the initially proposed projection of the outbuilding by 500mm and the introduction of a 2m high boundary treatment along the side boundaries. On the basis of these sets of revised plans, the agent was advised that the issues previously raised had not been fully overcome. Confirmation was therefore requested, within specified timescales, if the application should be determined on the basis of the initially submitted plans or the revised plans, (dated 20/02/24).

Further revised plans were subsequently submitted, (dated, 26/02/24). These sets of revised plans would comprise of a further reduction in proposed projection of the outbuilding by 1 metre, obscure glazing to the side facing windows, and 2m high boundary treatment along the side boundaries. The planning agent was once again advised that the application was still considered to be unacceptable as the issues raised in previous correspondence had not been fully overcome through these plans and therefore application would be determined on the basis of the latest information.

The proposed outbuilding, (revised plans, 26/02/24) would be sited along the rear garden, along the common shared boundary with no. 54 Slade Lane, whilst retaining a small gap of approximately 180mm from this boundary. It would then run along this boundary approximately 7036mm deep, then along the rear boundary approximately 3782mm wide, then forward of the rear building line of the original dwellinghouse approximately 7436mm deep, whilst retaining a separation distance of approximately 1023mm from the common shared boundary with no. 50

Sade Lane. It would comprise of a pitched roof configuration - maximum proposed height approximately 3326mm and would include windows facing the rear of the application dwellinghouse, and further windows (which would be obscurely glazed) and a door along the side elevation facing no. 50 Slade Lane, including the introduction of a 2m high timber boundary fence to be installed along the side boundaries.

The proposed outbuilding would be constructed in matching bricks.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (2021) -

This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

2. 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.

3. Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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 been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following Core Strategy policies are relevant to the proposed development:

- Policy DM1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)

4. Saved Unitary Development Plan (UDP), (1995)

- Saved Policy DC1 for Residential Extensions.

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

- Chapter 2: Design

ISSUES

Principle of development

The principle of extending one's home is acceptable and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. The key issues for this application are therefore the impacts on residential and visual amenity.

Residential and Visual Amenity

As the proposal seeks to extend/alter a residential property policy DM1 of The Manchester Core Strategy Development Plan Document and saved policy DC1 of the Unitary Development Plan are applicable; in addition to, chapter 12 of the National Planning Policy Framework, and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. Consideration has been given as to whether the scale, massing, design and appearance of the outbuilding is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area.

In this instance, an open alleyway runs along the rear boundary on the application site the proposed structure would be visible along this elevation and in-part along Mentor Street and Hector Road. In addition, notwithstanding the proposed 2m high boundary treatment along the side boundaries, it is considered that the proposed siting, scale and massing of built form along the side and rear boundaries would be unduly visually intrusive and overbearing.

The proposed outbuilding would be approximately 3326mm high, and approximately 3782mm wide, and would project approximately 7036mm deep along the common shared boundary with no. 54 Slade Lane and approximately 7436mm deep along the common shared boundary with no. 50 Slade Lane. The footprint of the proposed outbuilding would therefore be significantly larger than the existing outbuilding along the rear garden; and therefore, due to the proposed scale, design and resultant massing along the side boundaries, it is considered that the proposed outbuilding would create a built form which would be more akin to a separate dwelling rather than an ancillary building to the existing house and would not be subservient to the main dwellinghouse, contrary to save UDP policy DC1 and Core Strategy policy DM1.

Furthermore, due to the siting and height of the outbuilding, it would be visible along the side elevation and from the immediate highway and would form an overly dominant feature in terms of outlook from the immediate highway and from the rear gardens of the immediate neighbouring occupiers; particularly, nos. 50 and 54 Slade Lane.

In addition, whilst obscure glazing is proposed for those windows along the common shared boundary with no. 50 Slade Lane, and notwithstanding the proposed 2m high boundary treatment along the side boundary; in light of the fact that proposed new structure would now come significantly forward of this boundary than the existing outbuilding, and the resultant separation distance from this boundary would be reduced to approximately 1023mm, it is considered that if the proposal were to be allowed, it would unduly impact on the privacy of the current and future occupiers of no. 50 Slade Lane, which is contrary to save UDP policy DC1 and Core Strategy policy DM1.

Conclusion

For the reasons outlined above and on balance, it is considered that the revised proposed development, (dated, 26/02/24) does not respond positively to The National Planning Policy Framework (2021) chapter 12; policies DM1 and SP1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

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

In assessing the merits of the planning application officers have sought to work with the agent in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Concerns were expressed to the planning agent regarding the initially submitted plans and advice provided on how to overcome the planning issues. Revised plans were subsequently submitted, although those plans have not sought to overcome the planning issues initially raised with the agent. Therefore, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was still considered to be unacceptable.

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

1) The proposed outbuilding by reason of its scale, massing, design and its relationship along the common shared boundary with nos. 50 and 54 Slade Lane and the open alleyway along the rear elevation would form an overly dominant and visually overbearing feature to the detriment of the current future occupiers of nos. 50 and 54 Slade Lane and the immediate highway, and as such is contrary to The National Planning Policy Framework (2021) chapter 12; policies DM1 and SP1 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

Appendix 1 – List of consultees & neighbours notified

50 Slade Lane, Manchester, M13 0GL
Hair And Beauty Salon, 2 Hector Road, Manchester, M13 0QN
4 Hector Road, Manchester, M13 0QN
54 Slade Lane, Manchester, M13 0GL
56 Slade Lane, Manchester, M13 0GL
6 Hector Road, Manchester, M13 0QN
2 Hector Road, Manchester, M13 0QN
1 Hector Road, Manchester, M13 0QN

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA