

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138635/FH/2023
Date registered valid: 23 November 2023
Proposal: Elevational alterations to existing garage
Address: 23 Millgate Lane, Didsbury, Manchester, M20 2SD
Ward(s): Didsbury East Ward

Applicant: Mr Nigel Baxter
Agent (if any): Mr Nigel Baxter
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 16th January 2024



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: Google street view utilised

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 30 November 2023

Expired: 21 December 2023

Site notice

Posted: 20 December 2023

Expired: 13 January 2024

Press advert

Published: 5 December 2023

Expired: 19 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to a row of garages ancillary to the flats located within the grounds of the site. The garages are situated south of the site along the shared boundary with no. 41 Millgate Lane. The site falls within the Didsbury St. James Conservation Area comprising a mix of housing types, some terraced, semi detached and large detached properties. The site is located close to Didsbury park and set within a tree lined street.



Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

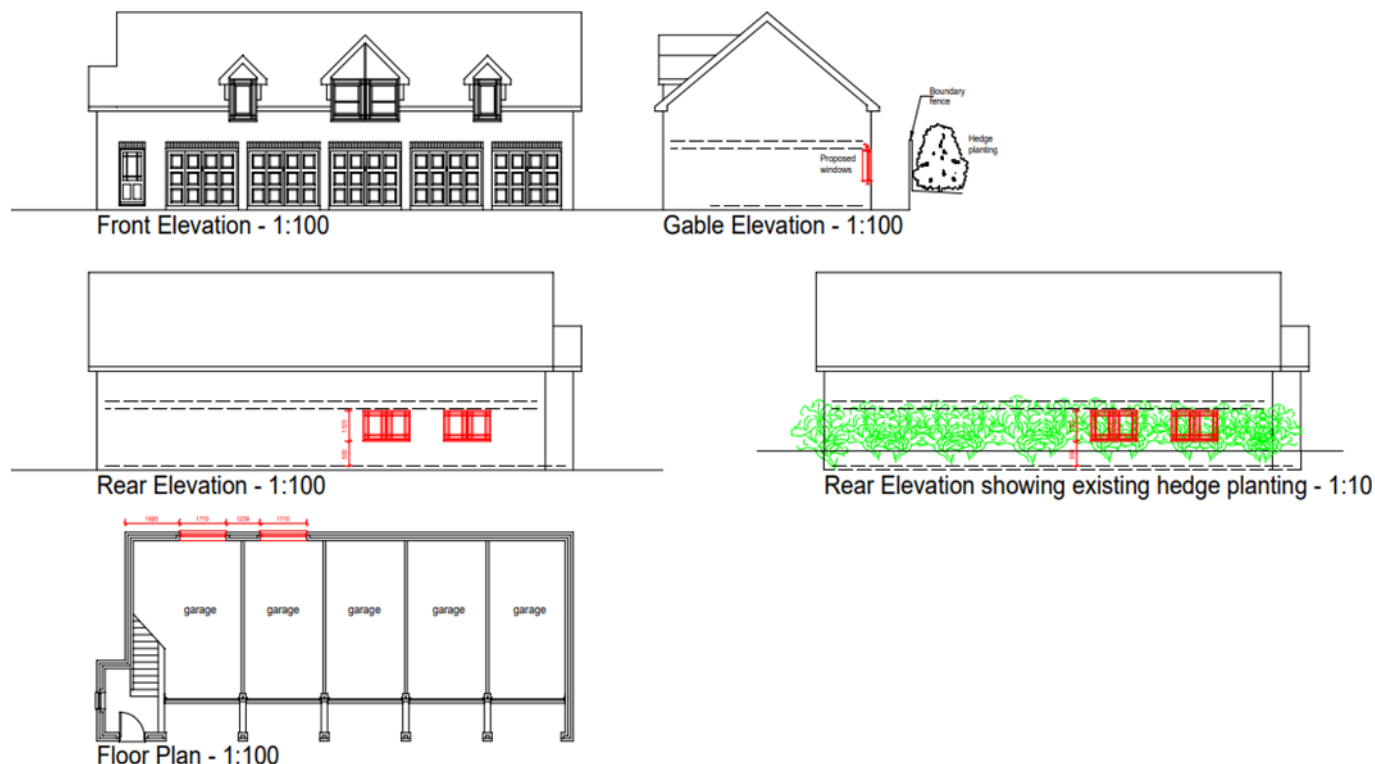
Tree Preservation Order: Not applicable

Description of area

The area is residential in character and this particular property is located within the Didsbury St. James Conservation Area close to Didsbury Village District Centre.

Description of development

The applicant is seeking to make elevational alterations to an existing garage as shown below.



Consultations & Notification Responses

Local residents/public opinion - No comments, objections or representations in support of the application have been received.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o DC18 for Conservation Areas
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 3 Heritage
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Places for Everyone Plan

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.

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

The City Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Principle

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek 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. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered acceptable and it is believed that there are no factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

History

Previous applications relating to this site as follows:

136357/TCA/2023 - Application Returned - Apartment 2, 23 Millgate Lane, Didsbury, Manchester, M20 2SD, I wish to apply for permission to remove the Laurel bush/tree which lies just inside the boundaries of 23 Millgate Lane. The Laurel is causing problems with the fencing along the boundary with 41 Millgate Lane the adjacent property (it is not possible to erect a fence along the boundary). The Laurel location is shown as a blue cross on the plan.

136683/TCA/2023 - No objection - 30.05.2023, Apartment 2 , 23 Millgate Lane, Didsbury, Manchester, M20 2SD, Proposed pruning works to Yew tree in side garden to provide 2m clearance from adjacent properties and removal of dead branches

126711/TCA/2020 - No objection - 13.05.2020 - 23 Millgate Lane, Manchester, M20 2SD -Works to tree - proposed felling of a Horse Chestnut (T1).

116587/TCA/2017 - No objection - 27.07.2017 - 23 Millgate Lane, Didsbury, Manchester, M20 2SD - Works to tree - proposed pruning works to Yew Tree

118285/TCA/2017 - No objection - 15.01.2018 - 23 Millgate Lane, Manchester, M20 2SD - Works to tree - proposed pruning works to a Oak (T2) in the front garden

074299/TCA/2004/S2 - Application Approved - 11.02.2005 - 23 Millgate Lane, Didsbury - NOTIFICATION OF INTENT TO CARRY OUT WORKS TO TREES WITHIN DIDSBURY ST JAMES CONSERVATION AREA - fell 2 sycamore trees

072561/FO/2004/S2 - Application Approved - 13.09.2004 - 23 Millgate Lane , Didsbury - Erection of 1.8 metre high boundary railings to Millgate Lane frontage

066623/FO/SOUTH2/02 - Application Approved - 04.02.2003 - 23, Millgate Lane,, Didsbury, - Erection of 2 storey building to form garage block with flat above and erection of single storey extension to property to form extended flat

058158/FO/SOUTH2/99 - Application Refused - 02.03.2000 - 23, Millgate Lane,, Didsbury, Erection of a mobile office for a temporary period of 2 years

027191 - Application Approved - 22.10.1986 - Rosehill Nursing Home,, Millgate Lane, Didsbury, DIDSBURY, Extension at rear

028791 - Application Approved - 28.05.1987 - Rosehill Nursing Home,, Millgate Lane, Didsbury, DIDSBURY, - Single storey rear extension to form porch and dry store

062532/FO/SOUTH2/01 - Application Approved - 10.09.2001 - Rose Hill,, Millgate Lane,, Didsbury, - Conversion of residential nursing home into 4no. self contained flats and construction of garage block and creation of garden terrace on the second, floor

F15767 - Application Withdrawn - Rose Hill, Millgate Lane,, Didsbury, - Erection of one detached house in grounds of existing property

F15005 - Application Refused - 01.04.1981 - Rosehill, Millgate Lane,, Didsbury. - Conversion of ground floor of dwellinghouse into design studios and conversion of the upper floors into 2 self-contained flats.

021276 - Application Approved - 25.04.1984 - Rose Hill,, Millgate Lane, Didsbury, DIDSBUY, Change of use and alterations from a dwelling to a Nursing Home and laying out of 11 acr parking spaces and landscaping

049255/FO/SOUTH1/96 - Application Approved - 06.03.1996 - Appleford Lodge Nursing - Home,, Millgate Lane,, East Didsbury, Enlargement of 2 no side elevation windows

Residential Amenity

The applicant is seeking to make elevational alterations to an existing garage by installing two windows on the rear elevation of two garages. The windows would measure 1.710 m in width 900mm above ground level to a height of 1.125m. Given the location of the windows, it is not believed that they would provide a significant impact upon the occupiers of the adjacent property no. 41 Millgate Lane especially due to the existing boundary treatment.

Overall, in terms of residential amenity, it is considered that the proposed development would not provide a significant impact upon the residential amenity of the adjoining occupiers and surrounding properties in the area and therefore is considered accords with Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

In context to the surrounding area, the installation of windows in this location are acceptable. The scale and massing of the windows are considered would not cause undue harm to the current levels of amenity being enjoyed by the occupiers of surrounding properties. The proposed windows would not present an unusual feature in the immediate and is not believed to provide an overbearing impact upon the residential amenities of surrounding properties.

It is therefore considered that the siting, scale and appearance of the proposed windows are satisfactory and is considered to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal would be in keeping with the existing and surrounding properties in the area. In terms of the proposed materials, it is intended to use matching white painted double glazed units as specified in the application form. The design of the windows have been tailored to fit the shape of the existing property/plot and respect the relationship with the neighbouring property at the rear and is considered acceptable and detailed as what is normally expected of such a change.

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.

Impact on the Didsbury St James Conservation Area

The proposal is considered to provide less than substantial harm that is outweighed by the benefits of the scheme.

The proposal would be located in a suitable position and would not interfere with the existing characteristics of the conservation area. Material choice would be an acceptable selection for the conservation area.

On balance, it is believed that the proposal would enhance the character of the Conservation Area which is considered accords with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

Waste management

Not affected by this proposal

Parking

Parking is unaffected by this proposal.

Conclusion

It is considered that the proposal would not give rise to any undue loss of amenity, loss of light or loss of privacy to neighbouring occupiers, therefore, the proposal is considered to accord with saved UDP policy DC1, policies SP1 and DM1 of the Core Strategy.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in accordance with the policies with the Development Plan.

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:

Received 23rd November 2023 numbered 001 Proposed Floor Plans and Elevations

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 materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

41 Millgate Lane, Didsbury, Manchester, M20 2SW
Apartment 5, 23 Millgate Lane, Didsbury, Manchester, M20 2SD
Apartment 4, 23 Millgate Lane, Didsbury, Manchester, M20 2SD
Apartment 3, 23 Millgate Lane, Didsbury, Manchester, M20 2SD
Apartment 2, 23 Millgate Lane, Didsbury, Manchester, M20 2SD
Apartment 1, 23 Millgate Lane, Didsbury, Manchester, M20 2SD
29 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
27 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
24 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
22 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
19 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
17 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
15 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
12 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
10 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
58 Kingston Road, Manchester, M20 2SB
St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
28 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
26 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD

25 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
23 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
21 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
20 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
18 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
16 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
14 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
13 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
11 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
9 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
8 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
7 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
6 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
5 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
4 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
3 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
2 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
1 St James Court, Millgate Lane, Didsbury, Manchester, M20 2SD
56 Kingston Road, Manchester, M20 2SB
21A Millgate Lane, Didsbury, Manchester, M20 2SW

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
Conservation Area - Didsbury St James Conservation Area 1970
Flood Zones Type 2 (low to medium risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA