# Planning

## Growth & Development

## Delegated officer report for planning application

| | |
|---|---|
| **Application no.** | 139165/FH/2024 |
| **Date registered valid:** | 2 February 2024 |
| **Proposal:** | Erection of an outbuilding to rear with separate access |
| **Address:** | 1 Stephens Road, Manchester, M20 4UY |
| **Ward(s):** | Withington Ward |
| **Applicant:** | Mr Luke Grayland |
| **Agent (if any):** | Mr Ian Burnett, Form. architecture + design |
| **Case officer:** | Steven McCoombe<br>Tel: 0161 234 4607<br>Email: steven.mccoombe@manchester.gov.uk |
| **Recommendation:** | Refuse |
| **Date of recommendation:** | 14 March 2024 |

**Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 13 March 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**

The application site relates to part of the rear garden area associated with a two storey, semi-detached dwellinghouse at 1 Stephens Road, situated at the corner with Gainsborough Avenue. The property is enclosed by a combination of concrete panels with timber fencing above and low brick wall.



**View from Cotton Lane**

The site was formerly occupied by a detached garage fenced off from the rear garden, with access onto Stephens Road.

At the time of the site visit it is clear that part of the site has been cleared, with trees removed and clearance works commenced.

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

## Description of area

The application site is situated within a predominantly residential area, largely comprising two storey, semi-detached and terraced dwellinghouses.

A short distance to the west along Cotton Lane lies Manchester Cancer Research Centre (MCRC) associated with the Christie Hospital which is located just beyond.

## Description of development

Planning permission is sought for the erection of a single storey outbuilding to the rear garden of 1 Stephens Road, in place of a former garage and off-road parking area.

The building bounds a rear boundary wall with the neighbouring property at 27 Cotton Lane and is sited to the north-western corner of the site.

The proposed building incorporates a dual pitched, gable roof and would be constructed from concrete tiles, brick work, brick louvres and glazed doors.

The application has been made on the basis of use incidental to the enjoyment of the main house, but internally, the floorspace shows a layout capable of self-contained living and consists of a kitchen/living area and separate bathroom and study area to the ground floor with a partial mezzanine bed deck above.

The proposed building incorporates an enclosed front yard/amenity area to the front which is separated off from the main garden of the host property. Independent pedestrian access can be gained directly from Stephens Road.

## Consultations & Notification Responses

Local Residents/Occupiers – No representation received.

## Planning History

028665

Kitchen extension to dwellinghouse. *Approved 1 April 1987.*

## 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.

*Core Strategy policies*

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 (Overall Housing Provision) states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sited in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes.

character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

The Guide to Development in Manchester (SPD)

This document contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Paragraph 2.13 states:

*'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. Buildings should recognise the common building line created by the front face of adjacent buildings. Projections and setbacks from this line, such as bays, foyers and entrance halls, can help to create visual emphasis; they should not, however, reduce safety by creating hidden areas, or accessibility by making obstructions, nor detract from the visual continuity of the frontage'.*

Manchester Residential Quality Guidance (2016)

The City Council's Executive has endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

Make it Manchester;
Make it bring people together;
Make it animate street and spaces;
Make it easy to get around;
Make it work with the landscape;
Make it practical;
Make it future proof;
Make it a home; and
Make it happen.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 'Decision Making' provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 12 refers to 'Achieving Well Design and Beautiful Places'.

Paragraph 135 states:

*'Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 139 states further that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design55, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.*

**Issues**

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed building would have an adverse impact upon the character and appearance of the area, principally due to it scale, siting and the narrowing of the gap between the existing property at No. 1 Stephens Road and the neighbouring property at 27 Cotton Lane.

Further, it is not considered that due its physical size and layout, that the building would not be incidental or ancillary to the main house, but instead is capable of being occupied as an independent, self-contained living accommodation. This in turn raised issues regarding the impact to neighbouring living condition and car parking.

Specific issues are set out further below.

Visual Amenity

The section of Stephens Road and Gainsborough to which the application site relates is mainly characterised by pairs of semi-detached dwellinghouses with fairly uniform massing and a consistent ridge and eaves height. The properties incorporate similar sized rear garden areas which imparts a distinctive suburban grain. There is also a strong and dominant building line to the Stephens Road frontage.

The height of the outbuilding incorporates a greater ridge height than a typical outbuilding which would stand out due its position which is easily seen from the road and due to its position in relation to neighbouring boundaries.

In addition, the proposed building is of a different scale than neighbouring dwellinghouses and this would result in a lack of rhythm and continuity to the appearance of the street-scene, due to differing and varying eaves and roof ridge heights.

The siting of the proposed building and its position off the rear boundary wall would result in an incongruous, cramped feature, out of character with the pattern of development in the immediate area, at odds with neighbouring properties. The visual impact would be made more strident by proposed ridge height and the loss of tree cover to the street boundary, following recent tree removal/pruning on site. The building does not reflect the proportions or alignment of neighbouring properties and as a result, would be readily visible from the street.

It is considered that on balance, the proposed development would be contrary to the existing grain and pattern of development found in the immediate area, undermining its character, to the detriment of visual amenity. The lack of spacing between the existing and proposed properties, combined with its scale and its relationship with neighbouring properties and the alterations to the garden area, all serve to have a negative impact on the character and appearance of the area. On this basis, the proposal is considered contrary to aforementioned policy and guidance.

Not Incidental

The size of an outbuilding and its internal layout shows separate bedroom, living room, kitchen and bathroom areas, as well as an independent access and a self-contained garden/amenity area. The Council consider that this layout would not be for use incidental to the main house but would rather facilitate an independent house. It is also notable that the location plan submitted as part of the application does not include the existing house as being part of the proposal, with the red edge indicating a separate plot.

The establishment of a separate dwellinghouse in this location would be at odds with the local pattern of development and introduce activity and associated noise and disturbance in close proximity to neighbouring properties, which would undermine the living conditions of these occupiers. Moreover, the proposal would result in the loss of an off-road parking space for the main house at No.1, whilst introducing further demand for off road parking related to the proposed development, due to the lack of off-road provision.

Stephens Road and neighbouring roads are subject to a high demand for on-street parking due to visitors of the nearby Christie Hospital. The proposal would therefore only serve to exacerbate the situation an increase competition for on-street parking, to the detriment of residential amenity.

Conclusion/Fall Back Position

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the applicant could build a similar outbuilding with a maximum height of 2.5 metres; this providing it was to be used incidental to the enjoyment of the dwellinghouse, and not include some form of primary accommodation, This would be considered the fall-back position, which is a material consideration in the decision-making process, of which the permitted development rights given by the Order comprise an element.

Therefore, when deciding a planning application, it may be argued with some effect that a development carried out to reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

**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 polices 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**

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1)Having regard to the relationship of the proposed development with the surrounding properties in the area, the spacing between properties along Cotton Lane and the scale and siting of the proposed building would constitute an intrusive, inappropriate form of development, which would be out of keeping with the character and pattern of development in the local area and the appearance of the street-scene. The proposal is therefore contrary to the provisions of policies SP1, H1, EN1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

2) Given the size and internal layout of the proposed outbuilding it has the appearance of a physically separate unit of residential accommodation, which is out of keeping with the character of the area; its residential design and internal layout has all the characteristics and potential to incorporate the facilities so that it may be occupied as an independent form of residential accommodation, rather than being incidental or ancillary to the primary building.

The relationship of the proposed additional living accommodation to that of both the principal and neighbouring buildings, increases the potential for noise, activity, and disturbance that would be detrimental to the living conditions of the existing and future occupiers of the main property and would lead to the loss of parking and creation of further on street- parking demand, whilst harming the character and appearance of the surrounding area, and the living conditions of neighbouring properties.

As such, the proposal is considered to be contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Planning Policy Framework (NPPF).

**Appendix 1 – List of consultees & neighbours notified**

12 Stephens Road, Manchester, M20 4UY
10 Stephens Road, Manchester, M20 4UY
2 Gainsborough Avenue, Manchester, M20 4US
1 Gainsborough Avenue, Manchester, M20 4US
25 Cotton Lane, Manchester, M20 4UX
6 Stephens Road, Manchester, M20 4UY
27 Cotton Lane, Manchester, M20 4UX
8 Stephens Road, Manchester, M20 4UY
3 Stephens Road, Manchester, M20 4UY

**Appendix 2 – Planning constraints**