

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139022/FH/2024
Date registered valid: 16 January 2024
Proposal: Change of use of integral garage to form additional living accommodation together with associated elevation alterations
Address: 7 Clearwater Drive, Manchester, M20 2ED
Ward(s): Didsbury West Ward

Applicant: Mr & Mrs Fisher
Agent (if any): Mr Simon Miles S R Miles Ltd
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 11th March 2024



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 February 2024

Standard consultations:

Printed: 18 January 2024 Expired: 8 February 2024

Neighbour notifications

Printed: 18 January 2024 Expired: 8 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

The application site relates to a modern two storey semi-detached dwellinghouse with an integral garage and driveway built circa 2003. The property features decorative paving for the driveway with hedging to the front and garden to the rear with access along the side. There is space to the front within the curtilage of the property for off street car parking.



Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature, with a variety of design and styles. From the converted former hospital and surrounding buildings to the more modern housing estate surrounding the former hospital. The area is located close to West Didsbury local centre on Burton Road.

Description of development

The application is seeking planning permission for the change of use of integral garage to form additional living accommodation together with associated elevation alterations



Consultations & Notification Responses

Local residents - as per Appendix 1 - Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations in respect of this application were received.

Local Members: two emails of support have been received from Councillor Leech and Councillor Kilpatrick. Summary of comments as follows:

- There is no loss of parking space as the garage is not big enough for a car
- Off road car parking is still available
- Other garages have been converted on the estate
- The application attempts to ensure it meets the needs of the family

Highway Services - Whilst the loss of the garage will result in a reduction of off-street parking, Highways accept resident's vehicle can be accommodated on the driveway to the front of the property.

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 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 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

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.

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.

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

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 not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed extension 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:

Application Reference: 138158/LP/2023 - certificate of lawfulness - Conversion of integral garage to study and utility room, modification of front elevation to include replacing garage door with window and brickwork. This application was refused on the 11th December 2023

Residential Amenity

The applicant is proposing to change the use of integral garage to form additional living accommodation together with associated elevation alterations. There have been emails of support from Councillors with regards to this application as outlined in the summary of comments above.

The characteristics of the properties along this street frontage have integral garages, however, over time, some properties have undergone conversions to change the garages into additional living space for the occupiers of the properties.

It is considered, that given the applicant would retain the existing space at the front of the property for off road car parking, this is considered to be an acceptable change. In addition to the conversion, elevational alterations would comprise the replacement of the garage door to a window. This is set to match the existing windows on the front elevation. It is not anticipated that the proposal would give rise to undue harm caused by the changes from a garage to living accommodation including the addition of a window to the front especially given that there are existing windows on the front elevation of the property already overlooking the street.

The changes would be visible from the public highway and therefore would feature within the street scene, however, the character of the area has been retained although houses in the immediate vicinity are themselves altered to some extent, therefore the appearance is acceptable and its impact upon visual amenity is considered negligible

On balance it is felt that the proposal can be acceptably accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area.

Siting, scale and massing

The conversion of the garage is not believed to provide an overbearing impact upon the residential amenities of surrounding properties. It is therefore considered that the proposed changes are satisfactory and is therefore 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 is in keeping with the existing and surrounding properties in the area and in terms of the materials, these are set to match the existing as specified in the application form. The design is detailed as what is normally expected of such a change and would not adversely impact upon residential amenity or the character of the area.

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.

Highways

Highways accept the changes to the loss of the garage.

Disabled access

Not applicable

Refuse

The storage of refuse bins are not affected by the proposal, as there would be continued access along the side which accords with policy EN19 of the Core Strategy.

Parking

There is off street parking provided by the driveway at the front of the property, which accords with the principles for residential extensions set out in policy DM1 of the Core Strategy.

Conclusion

The proposal is considered to be acceptable in this location in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, and there are no material considerations of sufficient weight to indicate otherwise.

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

Positive and proactive working - 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.

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 on 16th January 2024 numbered 33 405 PL200 REV P1 Proposed Floor Plans and Elevations

Received on 16th January 2024 as submitted by SR Miles Ltd Proposed Planning Statement

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

Highway Services

20 Clearwater Drive, Manchester, M20 2ED
18 Clearwater Drive, Manchester, M20 2ED
16 Clearwater Drive, Manchester, M20 2ED
14 Clearwater Drive, Manchester, M20 2ED

12 Clearwater Drive, Manchester, M20 2ED
10 Clearwater Drive, Manchester, M20 2ED
8 Clearwater Drive, Manchester, M20 2ED
6 Clearwater Drive, Manchester, M20 2ED
4 Clearwater Drive, Manchester, M20 2ED
2 Clearwater Drive, Manchester, M20 2ED
24 Clearwater Drive, Manchester, M20 2ED
18 Robert Harrison Avenue, Manchester, M20 1LW
16 Robert Harrison Avenue, Manchester, M20 1LW
20 Robert Harrison Avenue, Manchester, M20 1LW
9 Clearwater Drive, Manchester, M20 2ED
5 Clearwater Drive, Manchester, M20 2ED
22 Clearwater Drive, Manchester, M20 2ED

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