

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137499/FH/2023
Date registered valid: 7 August 2023
Proposal: Erection of a single storey outbuilding (with basement accommodation) to form ancillary accommodation
Address: 15 Crimsworth Avenue, Manchester, M16 0EB
Ward(s): Chorlton Ward

Applicant: Aqsa Hafiz
Agent (if any): Mr Jason Cartwright, Extend
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 14.11.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 3rd October 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 14 August 2023 Expired: 4 September 2023

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 property that is the subject of this householder application is a 2 storey brick built semi-detached dwellinghouse. It is located towards the head of the cul-de-sac. The property is identified as 15 Crimsworth Avenue. It has previously had the benefit of a single storey rear extension that formed an extended kitchen and lounge. The front garden has previously been block paved over, and there is space down the side of the property for several vehicles to park off road. The rear garden is currently laid to lawn with a brick built free standing garage to the bottom corner along its boundary with number 17 Crimsworth Avenue.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature with properties of a similar age and style to the proposal site. There are allotments to the far west of the site.

Description of development

The proposal is for the erection of a single storey free standing unit at the bottom of the garden. It would be proposed in materials to match those of the existing property it would have a flat roof and in the rear, there would be bi-fold doors with a window either side of the doors. It would occupy the full width of the garden up to the common boundary with numbers 13 and 17 Crimsworth Avenue. There is also a basement level proposed subterranean to the garden. There is a lounge and bar to the ground floor and a gym and office within the created basement. It is to be used in association with the existing property. There are three lightwells proposed to provide natural lighting to the basement area. In order to facilitate the proposal, the free standing garage that sits to the bottom of the garden along the common boundary with number 17 Crimsworth Avenue is to be demolished.

Consultations & Notification Responses

Local Residents were informed- Three representations have been received. The main points of concern are:

The residents of the property have a lot of vehicles (approximately 12- 18) which they park all around the avenue. they work on the vehicles in curtilage and on street and then sell the vehicles on as a business. This makes it difficult for other residents to park. The property itself is like a scrap metal yard. Therefore, with all of these issues of parked vehicles and obstructions around, where will the delivery vehicles for the materials and the builders then park. This has been the same problem for the last 2 years as another property has had building works, and the parking etc has worsened due to the construction of the works and the builders parking.

If they build an extension the cars parked on the driveway will be parked on the road.

Environmental Health- Due to the excavations to create the basement a contaminated land condition should be attached to any consent granted.

Policies

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

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN1 - Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 - Achieving Well-Designed Places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Policies SP1 and DM1 of the Manchester 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 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 which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle - the principle of erecting a single storey outbuilding in order to provide an office and gym to the basement floor with a lounge and bar to the ground floor in association with the host

property is considered acceptable in principle, however consideration must be given to the proposal's siting, scale, and massing, appearance, impact upon existing levels of residential and visual amenity as well as waste management and parking.

Siting, scale, and massing - the single storey outbuilding would be sited at the bottom of the garden occupying the full width between the common boundaries of number 13 and 17 Crimsworth Avenue. It mirrors the one already on site in the garden of number 13 Crimsworth Avenue except that a basement is to be created to the one proposed at number 15 Crimsworth. The scale massing and design of the proposed unit is typical of free -standing units that are found in garden areas of residential properties. It is of a flat roof construction and in order to facilitate the construction of the outbuilding the existing garage at the bottom of the garden is to be demolished.

The proposed development therefore accords with policy DC1 of the UDP and policies SP1 and DM1 of the Core Strategy.

Appearance and visual amenity - the outbuilding would be constructed of materials to match the main dwellinghouse being in brick with Upvc windows. Given the creation of the basement level, there will also be three lightwells. All the fenestrations will be located within the front elevation facing onto the applicants own garden. There are bifold doors located centrally with a window set either side of the doors.

The proposal is relatively standard in terms of its scale and design for developments of this type. Sited within the property's rear garden, the proposal would not be highly visible within the street scene, and, as such, it is not considered that the proposal would have a detrimental impact upon the visual amenity of the area.

The design and appearance of the proposal is considered to accord with Core Strategy policies DM1 and EN1.

Residential amenity - given that the outbuilding would be single storey and is at the furthestmost point away from the neighbouring properties, it is not considered that it would have a detrimental impact upon the residential amenity of the neighbouring properties. It has been designed to have no outward looking windows on the side elevations and as such there is no loss of privacy or overlooking. It must however be noted that following the consultation with local residents, three representations were received. However, the issues raised do not relate directly to the erection of the free standing unit, as they all relate to the number of vehicles that are being stored at the property and on street, and the potential business that is being operated from the property. This however has no bearing on the construction of the proposed unit, and its direct impact on the residential amenity of the neighbouring properties. The issues raised would be either matters for Highways compliance, or the Police.

There is sufficient amenity space retained for the occupants of the host property post development.

The proposal is therefore acceptable in regard to its minimal impacts upon residential amenity, thus according with Core Strategy policies DM1 and SP1 and saved policy DC1 of the UDP.

Waste storage - the current waste storage arrangements would be unaffected by this proposal.

Parking - the current parking arrangements would be unaffected by this proposal, it may involve some displacement of vehicles during construction, however as mentioned above there are other mechanisms that could be put in place to address this.

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. There were no issues of sufficient weight to merit refusal, and the application has been determined in accordance with both national and local policies.

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:

23028-01 Location Plan

23028-0P 2A Proposed Basement Floor Plan

23028-0P 2B Proposed Ground Floor Plan

23028-05A Proposed Elevations

23028-06B Proposed Sections

All received 7th August 2023.

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 used to construct the external elevations of the structure hereby approved shall match the existing dwellinghouse, in terms of colour, type, and method of coursing and pointing.

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the free- standing unit hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

5) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling identified as 15 Crimsworth Avenue Manchester M16 0EB

Reason - To ensure the proposed use remains ancillary to the principle use on the site. In the interest of residential amenity, in accordance with the policies DM1 and SP1 of the Manchester Core Strategy.

6) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to EN18 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

13 Crimsworth Avenue, Manchester, M16 0EB
155 Manchester Road, Chorlton, Manchester, M16 0FE
157 Manchester Road, Chorlton, Manchester, M16 0FE
153 Manchester Road, Chorlton, Manchester, M16 0FE
27 Crimsworth Avenue, Manchester, M16 0EB
25 Crimsworth Avenue, Manchester, M16 0EB
17 Crimsworth Avenue, Manchester, M16 0EB

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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA