

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136298/FH/2023
Date registered valid: 17 February 2023
Proposal: Erection of a detached garage with living accommodation above.
Address: 2A Cunningham Drive, Manchester, M22 5LT
Ward(s): Woodhouse Park Ward

Applicant: Mr. Armaan Chohan
Agent (if any): Miss Viktoria Klimentova Coda Studios
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 16 January 2024

Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 31 March 2023

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 16 November 2023 Expired: 30 November 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/area

2A Cunningham Drive is a large 2 storey detached dwelling accessed via a long drive off Cunningham Drive. There are residential properties to the north, east and west of the site, while to the south there are a number of 2 storey office buildings. To the side and rear of the property there is a lawned area, while to the front there is a parking area and the access drive. The site is shown below.



Listed building:	No
Conservation area:	No
Tree Preservation Order:	No

Description of development

The applicant is proposing to erect a two storey building to the side of the property (marked by the yellow star above) to create a garage with ancillary living accommodation above. Originally the applicant proposed to erect a large garage to the front of the building line (marked by the red star) but this location was not deemed acceptable and the application was amended accordingly.

Consultations & Notification Responses

Local Residents – One letter of objection has been from a local resident, the comments are summarised below:

- Despite the location of the new plans changing, this new location will still limit light into the adjoining property and garden. In fact, the amended plan will worsen the light issue as the height has been significantly increased.

- The proposed building would have an impact on the levels of privacy enjoyed by the residents of the neighbouring property.
- There is concern that the whole building would be used as living accommodation.
- The garage would be better located at the rear of the 2A Cunningham Drive.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Core Strategy Development Plan Document – 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.

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. Relevant policies in the Core Strategy are detailed below

Policy SP1, *Spatial Principles*, - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

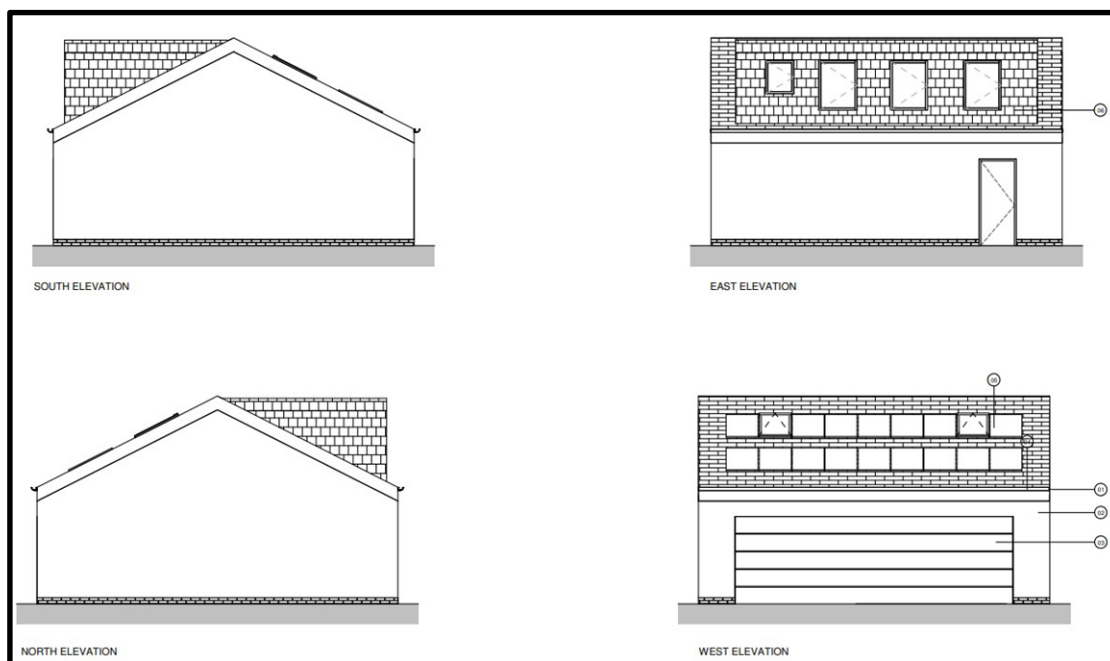
Saved UDP Policy DC1, Residential Extensions – Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- the general character of the property;
- the effect upon the amenity of neighbouring occupiers;
- the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- the overall appearance of the proposal in the street-scene;
- the effect of the loss of any on-site carparking.

Issues

Principle of the Proposal – There is no objection in principle to the erection of an ancillary building within the grounds of the no. 2A Cunningham Drive. However, any impact upon the existing levels of residential and visual amenity enjoyed by local residents must be assessed.

Design – The previous proposal was sited in front of 2A Cunningham Drive and had the appearance of an industrial/commercial lock-up unit. Given the concerns about the siting, appearance and footprint of that building the proposal was amended to that seen below:



The building would be rendered to match no. 2A Cunningham Drive and would be topped with matching tiles. The front roof sloop would contain two rows of solar panels, within which are located two rooflights. The rear roof slope includes a dormer feature to provide the necessary headroom for the proposal accommodation. The garage door and rainwater goods would be coloured in RAL 7016:



The design of the proposed building is considered acceptable.

Siting – The proposed building would be sited at the side of the dwellinghouse and it would line up with 2A Cunningham Drive.



Given the above and the fact it is not unusual for a garage to be sited at the side of a dwellinghouse, the siting of the proposal is considered acceptable.

Residential Amenity – Concerns have been raised about the potential for overshadowing and overlooking from the proposed building.

While the proposed building would be taller than the previous submission, it is not considered that the proposal would lead to an undue level of overshadowing of the adjoining dwellinghouse. It is noted that there is one window in the side elevation of no. 8 Thorn Drive but that is already subject to some overshadowing given the proximity of the boundary fence.

Regarding overlooking, the front elevation of the proposal would be approximately 27 metres from the rear of no. 2 Cunningham Drive and 22 metres from the side elevation of no. 9 Thorn Drive. In addition, it is noted that mature landscaping runs along the boundary between this site and no. 9 Thorn Drive. Given the above, it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 2 Cunningham Drive and 9 Thorn Drive.

The front elevation of the proposed building would contain two rooflights and these would offer views into the rear garden of no. 8 Thorn Drive. However, as these views would be oblique and the rooflights would be 1.6 metres off the floor, these views would be limited. Furthermore, it should be noted that the rear garden of no. 8 Thorn Drive does experience some form of overlooking from other neighbouring properties. In light of this, it is not considered that erecting

the proposal in this location would lead to excessive levels of overlooking so as to warrant the refusal of the scheme.

Visual Amenity – Given the design and siting of the proposal, it is not considered that it would have an unduly detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the property.

Pedestrian and Highway Safety – The proposal will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Car Parking – Sufficient off-street car parking would remain for the occupants of the property.

Ecology – The proposal would not have an impact on any protected species.

Drainage – The proposal does not raise any drainage concerns.

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 to resolve any matters arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

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 received on 3 November 2023:

a) Drawing no. 3268-CDA-00-XX-DR-A-0600-C FLOOR PLANS

b) Drawing no. 3268-CDA-00-ZZ-DR-A-0700-C ELEVATIONS

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby approved shall be constructed and thereafter maintained using the materials detailed on the drawing no. 3268-CDA-00-ZZ-DR-A-0700-C ELEVATIONS received on 3 November 2023.

Reason - In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

4) The development hereby approved shall only be used for purposes ancillary to the enjoyment of the existing residential dwellinghouse, known as 2A Cunningham Drive. The development hereby approved shall not at any time be allowed to be occupied as an independent separate unit of residential accommodation.

Reason - In the interest of residential amenity and to prevent the overdevelopment of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

9 Thorn Drive, Manchester, M22 5LX

4 Cunningham Drive, Manchester, M22 5LT

8 Thorn Drive, Manchester, M22 5LX

2 Cunningham Drive, Manchester, M22 5LT

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 - Within Outer Area

Airport Noise Index Zone - Noise and Nuisance Index - 50-59

Area Team Boundary - Name: SOUTH AREA