MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138388/FH/2023
Date registered valid:	1 November 2023
Proposal:	Erection of a timber gazebo in the rear garden
Address:	Brighton Grove Lodge, Brighton Grove, Manchester, M14 5JT
Ward(s):	Rusholme Ward
Applicant:	Frank Sengers
Agent (if any):	
Case officer:	Tracie Simpson Tel: 0161 234 4537 Email: tracie.simpson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**18th December 2023**



Application details

Type of application: Full Householder Application
Development type: Householder
Date of site visit: 14 November 2023
Standard consultations:
No consultations have been printed and sent.
Neighbour notifications
Printed: 7 November 2023 Expired: 28 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

The detached dwelling house sits in a prominent location to the entrance point to Birchfields Park located on Brighton Grove in the Rusholme ward area of Manchester. Boundary treatment to the front comprises high vehicular access gates and hedging with hedging and foliage along the side and rear boundaries. The grounds are visible from both Birch Grove and Brighton Grove and add an important element to the street scene.





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

Description of area

The area is predominantly residential in character featuring Birchfields Park with Platt Fields Park at the other end of Brighton Grove.

Description of development

The submitted application relates to the erection of a timber gazebo in the rear garden

Consultations & Notification Responses

Local residents: no comments have been received as a result of this proposal

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o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.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 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

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

There have been three previous planning applications relating to this site as follows:

081676/FH/2006/N2 - Application Approved - 16.02.2007 - Brighton Grove Lodge, Brighton Grove, Birchfields Park, Rusholme - Erection of a single storey rear extension to form additional living accommodation

078587/FH/2006/N2 - Application Refused - 26.04.2006 - Brighton Grove, Birchfields, Rusholme - Erection of part single/part first floor side and front extension

051882/VO/CENTL1/97 - Application Withdrawn - 15.08.1997 - Birchfields Park,, Rusholme, - CITY COUNCIL DEVELOPMENT Construction of a site office for a temporary period of 3 years

Residential Amenity

The property is detached and sits on a good sized plot with a wraparound garden; an existing outbuilding is located along the boundary adjoining the park and is of timber construction. The application proposes the erection of a gazebo to the rear of the site and would be located north measuring 9m by 5m and would not be higher than 3.0m.

The gazebo would not be visible from the public highway and therefore would not feature within the street scene, however, given the location to the rear of the garden, the gazebo would be visible from the park. Taking into consideration the proposed materials, timber with timber tongue and groove roof, the appearance is considered to be acceptable and would not impact on the visual amenity or character of the area and is therefore considered to be acceptable. Given the location, it is felt that the proposal can be acceptably accommodated at the application property.

Siting, scale and massing

The size and footprint of the proposed pergola is comparable in size to many others found in the area and is not believed to provide an overbearing impact upon the residential amenities of surrounding properties. It is therefore considered that the scale and mass of the proposed extension is 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 be timber , tongue and groove boards and felt as specified in the application form. The design is detailed as what is normally expected of such a structure 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.

Disabled access

Not applicable

Refuse

The storage of refuse bins are not affected by the proposal, as there would be space to the side of the property for storage of refuse bins, which accords with policy EN19 of the Core Strategy.

Parking

Not affected by this proposal.

Conclusion

The proposal would allow the occupiers to adapt their home to meet their needs, without unduly affecting the amenities of the occupiers of adjoining neighbouring properties. It is considered that the proposal should not give rise to overshadowing, overlooking or loss of light or privacy that the neighbouring occupants currently enjoy.

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: 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. The application has been determined in a timely manner and in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan and to policy DM1 of the Core Strategy and the National Planning Policy Framework.

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 drawing:-

Received on 23rd October 2023 Proposed Site Area
Recevied on 23rd October 2023 Proposed Visuals
Received on 1st November 2023 Position of the Proposed Gazebo

Reason - To ensure 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

38 Birch Grove, Manchester, M14 5JU
36 Birch Grove, Manchester, M14 5JU
34 Birch Grove, Manchester, M14 5JU

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA