

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129954/FH/2021

Date registered valid: 19 April 2021

Proposal: Retrospective application for the retention of a single storey outbuilding for use ancillary to the existing dwellinghouse

Address: 18 Brighton Avenue, Manchester, M19 2JQ

Ward(s): Burnage Ward

Applicant: Shahara Begum

Agent (if any):

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 August 2023

Standard consultations:

Printed: 22 April 2021 Expired: 13 May 2021

Neighbour notifications

Printed: 27 October 2021 Expired: 10 November 2021

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application site is a detached two-storey dwellinghouse at the head of a turning circle within a short cul-de-sac in the Burnage ward of Manchester. Being at the head of the cul-de-sac, the house is off-set at an angle to its semi-detached neighbours, being orientated approximately NW-SE and is set within an irregular shaped plot that is broadly triangular. The rear of the property faces NW. There are gardens to all sides of the property with space within the front garden area to accommodate off-road parking for one to two vehicles. There is an existing outbuilding along the rear of the application building, granted consent under planning permission (ref: 108669/FH/2015/N2). There is another existing outbuilding (the subject of this planning application) sited along the side elevation of the application property, which is located close to the common shared boundaries with no.16 Brighton Avenue and nos. 53, 55 and 57 Burnage Hall Road. The site is secured by approximately 1.8 metre high timber panel fencing along the northern and southern boundaries. The surrounding area is exclusively residential.

Description of development

The initially submitted plan related to a retrospective application for a single storey outbuilding. Having considered the initially submitted information, the applicant was advised that the proposal could not be supported if they wanted the use of the outbuilding to be considered for

the nature of business use being proposed in this location; coupled with the fact that the application had been made on incorrect forms. The applicant was advised to submit the right forms, or formally withdraw the application.

Clarification was sought from the applicant regarding how they wished to proceed with the application.

Confirmation was received from the applicant, advising they wished to progress the planning application as a residential householder application for an extended garage (with no business use); correspondence from applicant, (email dated, 25/06/2021).

Revised plans were subsequently submitted showing the initially proposed car wash area had been removed, (dated, 25/10/2021). The title description of the proposal has subsequently been amended to reflect the revised proposal.

The revised plans (dated, 25/10/2021), indicate that there was an existing outbuilding in the proposed location, of which, its footprint has been increased to serve as a larger garage with associate storage area - (as annotated on the submitted information).

The proposed outbuilding to be retained would be broadly triangular. It is sited along the common shared boundary with no.16 Brighton Avenue and extends approximately 5850mm along this boundary. It then projects approximately 11860mm along the common shared boundaries with nos. 53, 55 and 57 Burnage Hall Road whilst leaving a gap from these boundaries. It then comes forward of the no. 20 Brighton Avenue at an angle approximately 945mm, then projects along the side elevation of the application dwellinghouse approximately 10308mm, whilst retaining a separation distance of approximately 466mm to allow for access; then projects forward of the common shared boundary with no. 16 Brighton Avenue approximately 3798mm. It has a broadly flat roof design with 1no. metal roller shutter facing Brighton Avenue and 2no. doors facing the side elevation of the application dwellinghouse. Constructional materials and colouration are consistent with the main dwellinghouse, incorporating external facing brick work, with 2no. black upvc doors, including 1no. roller shutter painted black.

Consultations & Notification Responses

1. Local residents / public opinion

Occupiers of properties surrounding the application site were notified of the proposal, and subsequently re-notified of revised plans. The following comments, objections or representations were received from three local residents:

Comment

Why is this still awaiting a decision a year later? Esp as it was done retrospectively. I am sat in my garden at 3pm on a Sunday and having to listen to the noise of cars being jet washed - this is a residential small road not suitable for a car washing business - it's like being sat on the a6. I cannot sit and relax in my own garden that I have worked hard to pay for and use.

Comment

As the applicant is running a car wash and valeting business from this garage we wish to object. This is a small residential avenue with young families and residents that have lived here for many years? This business causes additional traffic up and down the road at speed - vans and cars. The noise of the equipment used is very loud? even with all Windows & doors shut you hear it & you cannot sit outside in the garden? There is lots of additional surface water at the end of the street? The business operates late into the night and on Sat & Sundays so there is no respite for residents?

Comment

I object to this building and to the use to which it is being put. They are using it as a car valeting business. Surely this is not allowed. I have no idea where they are draining away the trade waste, soaps and waxes etc. apart from when I see them brushing it into to drain in the road. The noise from the jet wash is terrible. I have just come in from work and cannot have my window open because of the racket it is making.

Comment

I object because it is for a business purpose that is already bringing way too much traffic down the road and leaving homeowners with nowhere to park. Also I object to use the use of it over lockdown and after the noise from the generator used to clean the cars is horrendous.

Comment

I object to this building. Too large and ugly. In the main I am objecting because of the use to which it will be put. They are valeting cars, and we are fed up with the droning noise of the jet washing machine. I am unaware that they have applied for "change of usage" of their domestic property to enable it to be used as a car valeting business. We are a small cul-de-sac with already restricted parking because of too many cars and this is also made worse by the cars being valeted. Further, they are brushing soaps and waxes down the grids in the avenue that already have problems with flooding. I believe this water is trade waste and they need a license.

2. Flood Risk Management

The proposed (retrospective) structure is <250m².

Based on the provided evidence, we recommend no drainage condition for this application. The drainage of the site can be APPROVED, and we suggest the following informative to be included within the Decision Notice:

Informative:

The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy (2012).

3. Greater Manchester Police (GMP)

GMP have made the following recommendations:

- o The proposed outbuilding should be of robust construction and no items of value/ or cash should be stored within it overnight.
- o Dusk till dawn lighting should be installed on all external doors.

In summary, the application is supported subject to further consideration of the above matters.

4. Highways

The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

Given that the proposed development will not result in any increase in residential units, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise.

The current on-site parking offering is to be retained and as such, Highways have no concerns regarding vehicular build up on- street.

Given the minimal scale of construction works involved, the level of construction vehicles are unlikely to generate any significant on-street parking demands.

In light of the above, Highways have no objections to the proposed development.

POLICY

The following guidance and policies are considered to be relevant to this application.

1. The National Planning Policy Framework (NPPF), (July 2021):
 2. Chapter 12: Achieving well-designed places.
2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:
 - o Policy DM1 (Development Management)
 - o Policy SP1 (Spatial Principles)
 - o Policy EN1 (Design Principles and Strategic Character Areas)
 - o Policy EN19 (Waste)
 - o Policy T2 (Accessible areas of opportunity and need)
3. Unitary Development Plan (UDP), (1995) - The UDP has been superseded by the Core Strategy Development Plan.
 - o Saved Policy DC1 for Residential Extensions is still considered of relevance.
4. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007:
 - o Chapter 2: Design

ISSUES

The initially submitted plan has been revised in the interest of residential amenity and revised plans subsequently submitted, (dated, 25/10/2021) and correspondence from applicant, (email dated, 25/06/2021). The title description of the proposal has subsequently been amended to reflect the revised proposal.

Principle of development

The principle of a development ancillary to the residential use of the existing dwellinghouse is considered acceptable. Notwithstanding this factor, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and visual amenity

Impact of works (retention of single storey outbuilding for use ancillary to the existing dwellinghouse) - In light of the revised plans (dated, 25/10/2021) and correspondence from applicant, (email dated, 25/06/2021), and due to the pre-existing context of an outbuilding having already been sited along the side elevation of the application dwellinghouse and the common shared boundaries with no.16 Brighton Avenue and nos. 53 and 55 Burnage Hall Road, and the proposed outbuilding to be retained would maintain the same proposed location, although it has a larger footprint, and it now extends in-part along the common shared boundary with no. 57 Burnage Hall Road; however, notwithstanding this factor, in light of the significantly flat roof design and given the height of the existing common boundary treatment (approximately 1.8 metres), and due to the fact that the maximum height of the outbuilding to be retained would not exceed 2550mm, and its elevations along these common shared boundaries would be significantly screened, it is considered that there would be no undue massing impact. In addition, the front elevation is significantly set-back from the Brighton Avenue street scene thereby mitigating any adverse impact from undue visual intrusion into the highway. Moreover, there are no windows to cause any undue privacy impacts. For these reasons and on balance, it is considered that the retention of the outbuilding for use ancillary to the existing dwellinghouse is highly unlikely to cause any further degree of harm in terms of overbearing massing impact, loss of privacy impact and undue visual intrusion along the immediate highway as the previous outbuilding in this location. In addition, a further condition has been recommended to ensure that the outbuilding would only be used ancillary to the dwellinghouse.

Impact of works (design and appearance) - In light of the revised plans (dated, 25/10/2021), in design terms the constructional materials and colouration is consistent with the main dwellinghouse, incorporating external facing brick work, with 2no. black upvc doors, including 1no. roller shutter painted black, which are in keeping with the primary building and therefore it is considered that the retention of the outbuilding would not unduly harm the character of the building or the general area.

Impact of works (waste management) - The existing arrangement would be unaffected.

Impact of works (car parking) - The existing arrangement would be unaffected; although the retention of the outbuilding would rather increase the number of garage car parking; thereby, reducing the requirement for on-street car parking along the Brighton Avenue highway.

Objectors' comments - In terms of the planning comments raised by the objectors, these have been duly considered in the issues section above. The other comments raised would fall under separate legislations and therefore cannot be considered as part of this planning application.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the retention of the outbuilding conforms with The National Planning Policy Framework (2021) chapter 12; policies DM1, EN19, T2 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007).

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. In this instance, the initially submitted plan was revised in the interest of residential amenity and revised plans subsequently submitted, (dated, 25/10/2021) and correspondence from applicant, (email dated, 25/06/2021). The title description of the proposal was also subsequently amended to reflect the revised proposal. The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. The Council had no other issues to raise with the applicant and has attached the appropriate conditions.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o Correspondence from applicant, (email dated, 25/06/2021).
- o Existing and Proposed Location Plan with application site edged in red, and Existing and Proposed Floor Plans and Elevations, received by the city council as the local planning authority on 25 October 2021.

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 (2012) and policy DC1 of the saved Unitary Development Plan for the City of Manchester (1995).

2) 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 outbuilding hereby approved other than those shown on: Existing and Proposed Location Plan with application site edged in red, and Existing and Proposed Floor Plans and Elevations, received by the city council as the local planning authority on 25 October 2021.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

3) The outbuilding shown on: Existing and Proposed Location Plan with application site edged in red, and Existing and Proposed Floor Plans and Elevations, received by the city council as the local planning authority on 25 October 2021; and also specified in correspondence from applicant, (email dated, 25/06/2021) and hereby approved shall not be used as a self-contained living unit, or business, and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Brighton Avenue, Manchester.

Reason: To ensure the proposed use remains ancillary to the principle use on the site, as a single dwellinghouse. The use of the outbuilding for any other purpose could give rise to unacceptable impacts on the residential amenity of nearby properties by virtue of additional comings and goings and disturbance, pursuant to policy DM1 of the Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and for the avoidance of doubt, any proposal to use the structure, as a self-contained living unit, or business would require planning permission.

Informative

1) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy (2012).

2) The proposed outbuilding should be of robust construction and no items of value/ or cash should be stored within it overnight.

Dusk till dawn lighting should be installed on all external doors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

18 Lynton Drive, Manchester, M19 2LQ
17 Brighton Avenue, Manchester, M19 2JQ
13 Brighton Avenue, Manchester, M19 2JQ
61 Burnage Hall Road, Manchester, M19 2JP
59 Burnage Hall Road, Manchester, M19 2JP
15 Brighton Avenue, Manchester, M19 2JQ
57 Burnage Hall Road, Manchester, M19 2JP
55 Burnage Hall Road, Manchester, M19 2JP
53 Burnage Hall Road, Manchester, M19 2JP
51 Burnage Hall Road, Manchester, M19 2JP
17 Lynton Drive, Manchester, M19 2LQ
20 Brighton Avenue, Manchester, M19 2JQ
16 Brighton Avenue, Manchester, M19 2JQ
14 Brighton Avenue, Manchester, M19 2JQ

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
Area Team Boundary - Name: NORTH