

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137521/FH/2023

Date registered valid: 11 July 2023

Proposal: Erection of single storey outbuilding to form ancillary living accommodation

Address: 17 Himley Road, Manchester, M11 4JE

Ward(s): Clayton & Openshaw Ward

Applicant: Mr N Bowles

Agent (if any): Mrs Cat Kassim Planmart Ltd

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

Recommendation: Approve

Date of recommendation: 5 September 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 23 August 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 17 July 2023 Expired: 7 August 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of site / building / area

The application site is a semi-detached dwellinghouse which is located in a predominantly residential area of the Clayton & Openshaw Ward of Manchester. It benefits from amenity space along the front, side and rear elevations, including all round boundary treatment, approximately 1.8 metres high along the rear elevation. The rear of the site abuts Clayton Vale - an area of open green space and is screened by mature trees along this elevation. The rear common boundary with Clayton Vale is triangularly shaped and therefore the minimum depth of existing rear garden is approximately 19.4 metres deep (from the rear building line of the original dwellinghouse).

Site History

- o 136911/LP/2023, Erection of garden room within domestic curtilage of dwelling house for use as a bedroom, REFUSED 2023.
- o 127296/PDE/2020, Proposed larger home extension projecting 3.6m to the rear, with a maximum height of 3.4m and a height at eaves of 2.4m, APPROVED 2020.

Description of development

The submitted plan relates to a proposed single storey outbuilding to form ancillary living accommodation.

The proposed outbuilding would be located along the rear garden and has been stepped away from the common shared boundaries with nos. 15 and 19 Himley Road and Clayton Vale. It would measure approximately (length 7000mm and 3320mm x width 6070mm and 7100 x maximum height 2500mm). It would have a flat roof, with 2no. windows and bi-fold doors facing the rear of the host dwellinghouse. Proposed external facing materials would comprise of timber cladding and UPVC windows and doors.

Consultations & Notification Responses

1. Local residents/public opinion

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

2. Environmental Health

Environmental Health recommend a condition relating to the installation of a proprietary gas membrane and an informative relating to construction hours be attached to any approval.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- o 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 - 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.'

The following policies are relevant to the proposed development:

- o Policy DM 1 (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) - 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 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

- i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

ISSUES

Principle of development

It is considered that 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 (erection of outbuilding in rear garden) - In light of the pre-existing context with the immediate neighbouring gardens having significantly long depth of rear gardens and outbuilding structures in the rear garden areas, and due to the fact that there are no immediate residential properties behind the rear boundary of the application site, and that the proposed outbuilding would be significantly screened by the existing boundary treatment and mature trees, it is considered that the scale of the proposed outbuilding is unlikely to present any significant adverse impact in terms of visual intrusion. In addition, it is not considered that the proposal would adversely affect neighbouring occupiers, in terms of the proposed height,

scale and massing of the proposed outbuilding, due to the flat roof design and that the outbuilding would be significantly set away from the immediate dwellinghouses and it would not be visible from the immediate highway. Therefore, on balance, it is considered that the proposed development (on the basis that it would be ancillary to the existing dwellinghouse) would not result in undue overlooking or loss of privacy, subject to the recommended conditions. It is therefore recommended that conditions are attached to ensure that only approved doors and windows are incorporated into the proposed outbuilding, and that the outbuilding would only be used for purposes ancillary to the main dwellinghouse. On this basis, it is considered that the development responds positively to Core Strategy policies SP1, DM1 and EN1 and saved UDP policy DC1.

Design and appearance - It is not considered that the proposed development would unduly harm the character of the building or the general area as it would not be visible from the immediate highway and the proposed external facing materials would comprising of timber cladding and UPVC windows and doors, would be informed by the existing boundary treatment and fenestration at the property, and therefore in design terms it is considered acceptable, pursuant with the requirements of Core Strategy policies DM1 and EN1, and saved UDP policy DC1.

Waste Management - The existing waste management arrangements would be unaffected; pursuant with The Manchester Core Strategy Development Plan Document Policy EN19, and saved Policy DC1 of the Unitary Development Plan.

Car Parking / Highways issues - The existing arrangement would be unaffected by the proposal, pursuant with The Manchester Core Strategy Development Plan Document Policy T2, and saved Policy DC1 of the Unitary Development Plan.

Ground Conditions - The rear garden of the host property lies directly to the south of a landfill site, and it is therefore recommended that a condition relating to the installation of a proprietary gas membrane is attached to any approval.

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

The local Planning Authority in its decision has had due regard for the National Planning Policy Framework, as well as the Development Plan, National Planning Policy and other material considerations and has approved the application for the reasons outlined in this delegated report. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

- o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 11 July 2023.
- o Location Plan, with application site edged in red, Drawing no. 3207-003, received by the City Council as the Local Planning Authority on 11 July 2023.
- o Existing Floor Plan, Drawing no. 3207-001, received by the City Council as the Local Planning Authority on 11 July 2023.

o Existing and Proposed Floor Plan and Elevations, Drawing no. 3207-002, received by the City Council as the Local Planning Authority on 11 July 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

3) The external facing materials to be used on the outbuilding hereby permitted shall match those as stated on the approved drawings and submitted information.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, 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.

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 outbuilding hereby approved other than those shown on:

o Existing and Proposed Floor Plan and Elevations, Drawing no. 3207-002, received by the City Council as the Local Planning Authority on 11 July 2023.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

5) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City Manchester (1995).

6) The outbuilding shown on: Location Plan, Drawing no. 3207-003 and Existing and Proposed Floor Plan and Elevations, Drawing no. 3207-002, both received by the City Council as the Local Planning Authority on 11 July 2023 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 17 Himley Road, Manchester.

Reason: To ensure the proposed use remains ancillary to the principle use on the site, as a single dwellinghouse, in the interest of residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and for the avoidance of doubt as any proposal to use the structure, as a self-contained living unit, or business would require planning permission.

a) GAS01

Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policy EN18 of the Manchester Core Strategy (2012).

b) DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

21 Himley Road, Manchester, M11 4JE
15 Himley Road, Manchester, M11 4JE
19 Himley Road, Manchester, M11 4JE

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Green Belt Land - Green Belt Area (LDF)
Hazard - Major Accident Hazard Pipeline - East Manchester
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA