

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136586/FH/2023

Date registered valid: 3 May 2023

Proposal: Part retrospective application for engineering operations including excavation of materials to level part of rear garden and erection of outbuilding to rear.

Address: 30 Varley Street, Manchester, M40 8BW

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr James Kazie

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 June 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 20 June 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 May 2023 Expired: 30 May 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 application site relates to the rear garden of a modern two storey dwellinghouse. The garden slopes towards the rear of the garden.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature, and the site is located within a modern residential development of residential development of 129 properties with a mix of two and three storey semi-detached / terraced properties and eight apartments.

Description of development

The applicant is seeking planning permission for engineering operations including excavation of materials to level part of rear garden in connection with the erection of outbuilding to rear.

Consultations & Notification Responses

Publicity – Notification letters were sent to the addresses as detailed in appendix 1.

Local Resident/Public Opinion – Three representations were received objecting to the application, the main concerns are detailed below:

- Consider that the outbuilding has been poorly constructed and blocks sunlight and views from neighbouring gardens.
- Started building prior to obtaining planning permission.
- Pointed out to the owners that planning permission was required and not aware of any restrictions on the land.
- Issues with materials and that they are out of keeping with recent approvals.
- Concerned about water run off especially as the applicant is seeking to install artificial turf and are concerned that the water will simply drain into their garden.

Issues

On the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Planning History Summary – There have been no previous planning applications at this address.

The Principle – Policies SP1 and DM1 of the Manchester Core Strategy 2012 (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. National Planning Policy Framework (NPPF) seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

A condition of planning application which approved the housing estate the application site is located within reference: 117055/FO/2017 stated that:

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 garages or extensions (including roof alterations); shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).

Therefore, planning permission would be required to install the detached outbuilding within the rear garden.

The proposal relates to an outbuilding that is proposed to be used as a garden room/home office.

Further consideration will be given as to whether the proposal has any impact on surrounding visual amenity in particular the effect upon the amenity of neighbouring occupiers.

Residential and Visual Amenity – The proposed outbuilding if approved would be located against the southwestern boundary of the garden next to the shared boundary with no. 72 Winstanley Road

If approved the outbuilding would have a flat roof to a maximum height of 1.8 metres, a width of 5.65 metres and a length of 2.83 metres. In terms of materials the outbuilding is proposed to be a shipping container clad in dark stained timber.

At present the unfinished outbuilding is in-situ and can be viewed from neighbouring roads of Winstanley Road and John Hogan VC Road. The proposal includes landscaping works which would see a section of the rear garden measuring approximately 8.7 metres by 6.5 metres lowered by 0.5 metres. As a result, if approved the outbuilding will be lowered in height from 2.12 metres to 1.8 metres.

An outbuilding of this height despite being located close to the shared boundary is not considered to be excessively high to give rise to any visual disamenity from overshadowing or being overbearing on the neighbouring properties. Especially when its considered against the height of the vast majority of fencing in rear gardens are a height of 1.8 to 2 metres in height.

As a garden room the outbuilding would remain incidental to the use of the main dwellinghouse it would not give rise to any additional noise or disturbance than what would be expected from the normal use of a dwellinghouse.

Concerns have been raised regarding the materials and discussions were had with the applicant who provided samples of the materials to be used. The use of timber cladding and concrete cladding painted in a grey would not be an unusual choice for an outbuilding, indeed it was noted that other outbuildings in the area such as sheds were constructed of different materials and not brick. Therefore, there are no concerns regarding the materials proposed.

Lastly water surface run off was raised as a concern and the possibility that it could be worsened by the installation of artificial grass however, the applicant could install any hardstanding or turf without the requirement of a planning application.

Refuse Storage – The proposal will not have any impact on the current refuse storage arrangements.

Car Parking/Access – The proposal will not have any impact on the current car parking/access arrangements.

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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

23_105 "EXISTING AND PROPOSED PLAN VIEW" and 23_105 "EXISTING AND PROPOSED SECTION A-A" received on the 18 April 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.

2) The development hereby approved shall be carried out in accordance with the materials as set out in :

23_105 "EXISTING AND PROPOSED SECTION A-A" received on the 18 April 2023

Planned Tongue & Grove Green UC3u Treater Timber Cladding as attached in an email from James Kazie on the 27 June 2023
STS Construction Board as attached in an email from James Kazie on the 27 June 2023

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3) The outbuilding as shown on drawings:

23_105 "EXISTING AND PROPOSED PLAN VIEW" and 23_105 "EXISTING AND PROPOSED SECTION A-A" received on the 18 April 2023.

Shall not be used at any time for any other purpose, other than those that are incidental to the residential use of the dwelling known as 30 Varley Street, M40 8BW.

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

Appendix 1 – List of consultees & neighbours notified

70 Winstanley Road, Manchester, M40 7WN
72 Winstanley Road, Manchester, M40 7WN
15 John Hogan VC Road, Manchester, M40 7QU
26 Varley Street, Manchester, M40 8BW
28 Varley Street, Manchester, M40 8BW
34 Varley Street, Manchester, M40 8BW
32 Varley Street, Manchester, M40 8BW

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA