

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129870/FH/2021
Date registered valid: 15 September 2022
Proposal: Erection of single storey detached garage and store to rear
Address: 25 Cherry Avenue, Manchester, M11 2LW
Ward(s): Clayton & Openshaw Ward

Applicant: Michael Idoye
Agent (if any): John Flinn Davenport and Flinn Ltd
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 20 March 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 September 2022

Standard consultations:

Printed: 22 September 2022

Expired: 13 October 2022

Neighbour notifications

Printed: 22 September 2022

Expired: 13 October 2022

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 detached dwellinghouse located on a modern estate near to a mainline railway in and out of Manchester City Centre.



Photograph 1 Existing Outbuilding

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: None

Description of area

The surrounding area is a formerly heavy industrial that is now a mixture of historic industrial use, warehousing and residential.

Description of development

The applicant is seeking planning permission to retain and alter a single storey detached garage and store to rear.

Consultations & Notification Responses

Publicity - The occupiers of adjacent premises were notified as listed in appendix 1.

Local Residents/Public Opinion – 8 representations from 6 residents have been received from 2 neighbour notification letters. The comments are split into the two notifications;

1st notification – 2 representations received from 1 resident.

- Garage has been built on land that does not belong to the applicant.
- The structure is poorly built and unsafe;
- Would like to have been informed by the applicant prior to the garages construction.
- Garage has been built in way that would prevent anyone else from building a garage.
- Design of the garage is out of character with the streetscene;
- Developers of the estate envisaged that the area would be used for 3 car parking spaces;
- Feels applicant has taken advantage of their inexperience in dealing with boundary matters.

2nd notification – 6 representations received from 5 residents

- Poor build quality – Raised concerns that they fear that roofing materials will fall and hit either themselves or children in the area;
- Garage is close to a railway line and they wanted to feel confident that the structure will not collapse as a result of vibrations from passing trains or high winds.
- Siting of the garage has made the nearby parking spaces unusable for 2 households.
- Design and appearance of the garage is out of character with the streetscene;
- Raised concerns with the position of gutters and drain pipes and the safety issues it may cause from the overflow.
- The garage is large and over dominating;

Network Rail – Raised an objection to the application as, from the plans available to Network Rail that it appeared that Network Rail land included in the proposal area. Also, it appears that the proposed detached garage is being constructed hard against the boundary with Network Rail – both are unacceptable to Network Rail as no works should be on their land and a 3 metre gap must between the structure and the boundary with the railway.

They requested that the applicant complete a form and send to their asset protection teams for further consideration.

Following Network rail asset protection review it was confirmed that no Asset Protection input will be required as Network Rail considered that there is no foreseeable risk to the railway and the wall, they are building up to is not a Network Rail owned wall. The holding objection has been withdrawn.

Environmental Health – Requested an informative be attached in the event of discovery of ground contamination.

Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted 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 relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

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.

The proposal relates to an outbuilding that is proposed to be used as a garage and a store. 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.

Ownership – During the course of the application concerns were raised with the land ownership, further information from the land registry in the form of a copy of the title deeds has been received to show that the land in which the structure sits is within the ownership of the applicant.

Residential and Visual Amenity – The single storey outbuilding was built between September 2020 and February 2021 as shown in the photographs below.



Photograph 2 & 3

The outbuilding is located in the southern end of the garden next to the shared boundary with a former canal and now a public footpath/cycleway and communal parking spaces for both no. 23 and 21 Cherry Avenue.

If approved the outbuilding would alter the roof to a maximum height of 3.79 metres, an eaves height of 2.31 metres a width of 6.53 metres tapering to a width of 2.69 metres at the rear and a length of 5.70 metres. In terms of materials the outbuilding is proposed to be brick built to match the dwellinghouse and have a grey concrete tile roof. If approved the roof design will differ to the one currently on site as shown in image 1.

There are no concerns with the proposed roof design.

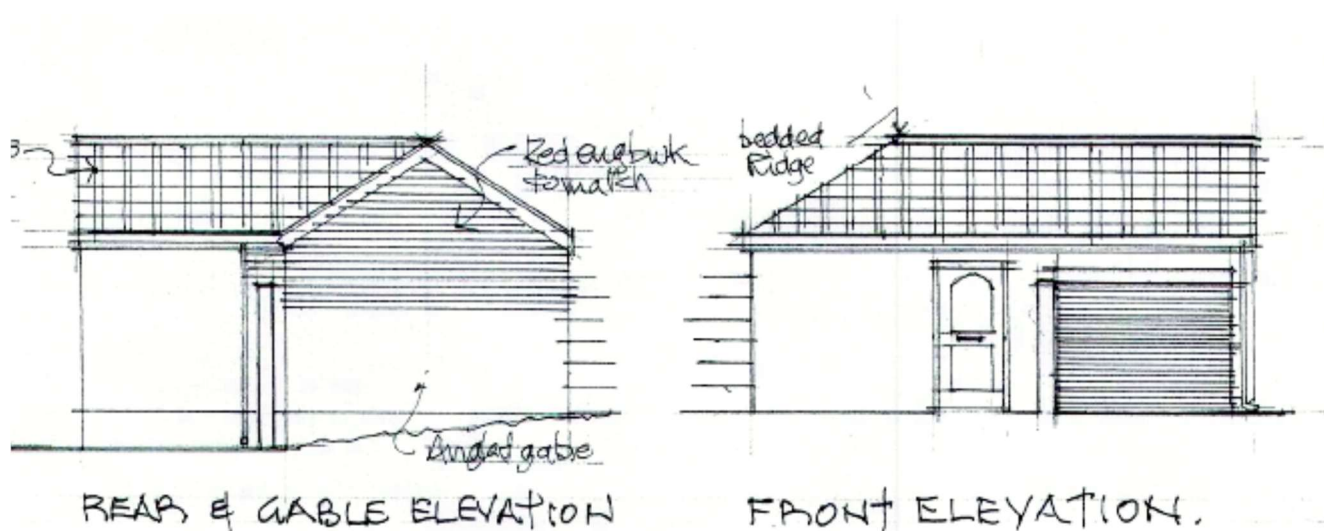


Image 1 Proposed front and rear elevations

Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the applicant could be a similar outbuilding with a maximum height of 2.5 metres. This would be considered the fall back position, the fallback is a material consideration in the decision making process, of which the PD rights given by the Order comprise an element. Thus when making a decision on a planning application it may be argued with some effect that a development carried out to slightly reduced dimensions or at a marginally lesser level, or perhaps in a revised location nearby, could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether what could be built using the GPDO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

Whilst the proposal is located close to the shared boundaries with parking spaces no. 23 and 21 Cherry Avenue, the additional 1.5 metres in height above PD rights is not considered to give rise to any disamenity to the neighbouring properties as the outbuilding would be located at the very end of the garden to the south of residential properties.

Car Parking and Refuse Storage – The proposal will not have any impact on the current parking or refuse storage arrangements for the property. Concerns have been raised that the siting of the garage impedes the use of the adjacent resident parking spaces. During the time of the site visit two cars were parked and it appeared that there was sufficient room for another vehicle to be parked between the far vehicle and the outbuilding.



Photograph 2 Outbuilding and car parking spaces as viewed from Cherry Avenue.

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 comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision. 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:

DRG 1 Rev A stamped as received by the City Council as Local Planning Authority, on the 22nd September 2022

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 drawings:

DRG 1 Rev A stamped as received by the City Council as Local Planning Authority, on the 22nd September 2022

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

Informative

1) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Network Rail
Environmental Health
Highway Services
Highway Services
Environmental Health
Network Rail

38 Cherry Avenue, Manchester, M11 2LW
27 Cherry Avenue, Manchester, M11 2LW
40 Cherry Avenue, Manchester, M11 2LW

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH