

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134605/FO/2022

Date registered valid: 11 May 2023

Proposal: Erection of a pair of two storey semi-detached dwellinghouses (Class C3) with accommodation in the roof space with associated parking, landscaping and boundary treatment

Address: Land Off Eastwood Road, Manchester, M40 4TB

Ward(s): Moston Ward

Applicant: Mr Ged Boylan

Agent (if any): Warren Walker

Case officer: Janine Renshaw-Livesey
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Recommendation: REFUSE

Date of recommendation: 5 July 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 31 May 2023

Standard consultations:

Printed: 16 May 2023 Expired: 6 June 2023

Neighbour notifications

Printed: 16 May 2023 Expired: 6 June 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: No

Tree Preservation Order: No

The application site is an area of vacant land accessed from an unadopted track from Eastwood Road.

The site is bound by predominantly two storey dwellinghouse's with rear gardens backing on to the application site, with the exception of residential properties 10- 14 Edith Cliff Walk and Rose Cottage have gables that run parallel to the site.

Description of area

The immediate area is predominantly residential in character and comprises of a combination of two and three storey, detached, semi-detached and terraced dwellinghouses. Opposite the site is less homogenous in scale and typology and has been built at a higher density to includes a mix of two and three bed flats.

Description of development

Planning permission is sought for the erection of a pair of two storey semi-detached dwellinghouses (Class C3) with accommodation in the roof space with associated parking, landscaping and boundary treatment.

The proposed development includes an off-road parking space to the frontage of each proposed property, modest front and rear garden areas, new planting, bin storage areas and boundary treatment.

Site History

074365/00/2004/N1 Outline Planning Application with siting to be considered, all other matters reserved, for the erection of one dwelling house and garage. Refused.

075485/00/2005/N1 OUTLINE APPLICATION for erection of a two-storey detached house with associated garage and car parking. Approved.

A previous planning application ref 127469/FO/2020 was withdrawn following concerns raised by the Council in terms of the sites cramped layout, being out of character with the surrounding area and having an unacceptable impact on amenity of the surrounding residential properties. It is not considered that the revised proposal overcomes all of the Council's initial concerns.

129905/FO/2021 Erection of a pair of semi-detached properties with associated car parking, landscaping, and boundary treatment. Refused.

135141/FO/2022 Proposed new build dwelling of a pair of semi-detached properties. Returned to Applicant.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one neutral letter was received raising the possible impact of the scheme not having adequately high fencing to prevent overlooking, which may result in privacy issues for the occupants of the surrounding properties. Six objections were received. The issues raised are as follows:

- Direct overlooking, impacting on privacy
- Loss of light
- Cramped and overdeveloped
- Increase in car parking requirements
- loss of open space
- The proposal would require alterations of an established public right of way
- Impact on existing parking and servicing arrangements.
- Conflict between pedestrians and car users, due to shared access road
- Loss of habitat for wildlife.

The Highways Team- commented the parking and access arrangements which are outlined below;

Vehicle and pedestrian access to the development is proposed from the already established access point on Eastwood Road between properties 57 and 59, the width of the carriageway should be confirmed by the applicant.

Whilst it is acknowledged that there has been a former access operational in this location, a visibility splay should be provided by the applicant to demonstrate no constraints in sight lines. This should be made in accordance with Manual For Streets guidelines respective of the speed restriction on Eastwood Road.

Given the width of the access road, two vehicles are unable to pass. Priority should be given to vehicles accessing the site to prevent queuing vehicles on Eastwood Road.

The applicant should provide verification that the necessary vehicle manoeuvres can be undertaken at the entry/exit point and within the aisle/turning area through the provision of vehicle swept path information.

It is assumed that this access will remain under private ownership, however this should be confirmed by the applicant. MCC would not be able to support the adoption of this access road given that it does not comply to adoptable standards.

Parking is proposed on site for four vehicles, two for each property. Further clarification is sought regarding parking space sizes, all individual driveway parking spaces should be a minimum of 3.0m x 6.0m as per MCC standard recommendations.

Furthermore, highways recommend cycle parking, boundary treatment, refuse servicing, construction management, and electrical vehicle conditions be attached to the consent.

Environmental Health- were consulted and recommended a contaminated land, construction and demolition hours and a waste condition be attached to the consent.

Greater Manchester Police- commented the access to the rear garden should be restricted close to the front elevation of the property and the houses should be built to Secured by Design standards.

United Utilities- were consulted and recommended a drainage condition be attached to the consent.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts

of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Furthermore, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 states, that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 states, that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- o Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- o Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- o Contribute to the design principles of Manchester LDF including in environmental terms.

The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation.

- o Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- o Be designed to give privacy to both its residents and neighbours.

Policy EN1 - Design Principles and Strategic Character Areas, states, all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance, and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development

should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework (2021)

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application, Section 12 provides design guidance - 'Achieving Well-Designed Places' Paragraph 134 states, 'Development that is not well designed should be refused, especially where it fails to reflect 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. 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.

Issues

Principle

The principle of the proposal is not considered acceptable. Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with development plan policy and associated guidance.

It is believed that the proposed height, scale, and massing of the dwelling houses would be out of character with the immediate context, to the detriment of visual amenity. The proposal has limited access arrangements which would create a poor-quality development and due to the limitations in terms of the unorthodox layout, would result in a cramped form of development and an over intensive use of the site, which would also be out of character with the pattern of development in the local area. It is further considered that the height, scale and appearance of the proposed houses, their siting in close proximity to the side and rear boundaries and the positioning of rear windows, would result in a development that would be overbearing and intrusive to neighbouring residential occupiers, contrary to policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Residential and Visual Amenity

Policies SP1, DM1 and EN1 of the Core Strategy, as well as the Guide to Development (SPD) underline the importance attached to protecting the character and appearance of an area and the need to adhere to the Council's design principles.

Paragraph 2.13 of the Council's 'Guide to Development in Manchester' states that: 'The scale, position and external appearance of new buildings should respect their setting and relationship with adjacent buildings, enhance the street-scene and consider their impact upon the roofline and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings'. The NPPF advocates further, the need for good design, as previously outlined.

In this case, it is considered that the resultant scale of the proposed houses, as a consequence of height, scale and massing, would form an over dominant feature, which would be out of context with the surrounding area.

The properties that back onto the site on Parkfield Road North, Eastwood Avenue, Hawthorn Road and Edith Cliff Walk, are uniformed in terms of scale, eaves and ridge height. However, the proposed pair of semi-detached dwelling houses positioned in between these properties results in the appearance that the houses have been randomly placed, appearing cramped, resulting in a poor relationship with the surrounding properties. The resultant development would disrupt the architectural rhythm, and appear at odds with the surrounding buildings, and would be considered to have a harmful impact upon visual amenity, eroding the character and appearance of the area.

By virtue of the height, scale, and massing of the development in relation to the proximity of the surrounding properties, the development would appear to be overlarge and visually obtrusive in terms of their appearance, for the occupiers of the surrounding properties. Significant harm is caused, due to the size, amount, and positioning of the rear windows of the development, in particular, the rear bedroom windows, would allow overlooking into the rear gardens of the surrounding properties, in particular the rear garden, and windows belonging to the properties on Parkfield Road North, which can be readily viewed from the rear habitable room windows of these properties.

The close proximity of the development would create an unsatisfactory relationship with the neighbouring properties and would result in significant overbearing, which is unduly harmful to residential amenity.

The orientation of the building coupled with the close proximity to the rear neighbouring properties, would cause extensive overbearing impact as the building has not been designed to give privacy to both its residents and neighbours. The two storey dwelling houses compromise the outlook for the occupants of Parkfield Road North, Hawthorn Avenue and Edith Cliff Walk, and adding this level of built form in this location, that interrupts the established layout, that appears cramped between buildings, causing harm to the amenity levels, currently enjoyed by the surrounding occupants, results in an inappropriate form of development.

Therefore, the development would harm the living conditions of neighbouring occupiers, with particular regard to overbearing appearance, and loss of outlook. The development therefore conflicts with policies SP1, EN1 and DM1 of the Manchester Core Strategy. These require, among other things, that development makes a positive contribution to the health and wellbeing of residents, having regard to the effects on the amenity of neighbouring occupiers.

Policy and relevant guidance seek to harness design that would improve the character and appearance of an area. It is believed that the proposed development would fail to achieve this objective and is not therefore considered acceptable.

Layout

The layout and positioning of the development is considered to be unacceptable. The reasons why the proposal is out of character with the area has been outlined above. However, the layout of the proposal within the site itself appears to be cramped and, as a result of this the car parking layout for each of the properties would not have the ability to function affectively due to their size and is considered to be unacceptable and conflicts with policies SP1, EN1 and DM1 of the Manchester Core Strategy.

Had the application been recommended for approval, there would have been other matters which would have required consideration as result of the comments from the statutory consultees.

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:

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

1) The erection of a pair of two storey semi-detached properties by virtue of their siting, scale and appearance together with the limited access arrangements and relationship with surrounding properties would result in a cramped form of development and an over intensive use of the site which would be out of character with the pattern of development in the local area. The proposed properties would also appear overly dominant and oppressive within the plot and would give overlooking resulting in a loss of privacy to surrounding properties. The development would therefore have an unduly harmful impact on visual and residential amenity and fails to make a positive contribution to the local area which is contrary to policies SP1, EN1, H1 and DM1 of the Manchester Core Strategy (2012) and the advice given in the Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

14 Eastwood Avenue, Manchester, M40 3TJ
16 Eastwood Avenue, Manchester, M40 3TJ
53 Parkfield Road North, Manchester, M40 3TB
49 Parkfield Road North, Manchester, M40 3TB
18 Eastwood Avenue, Manchester, M40 3TJ
Moss Cottage, Hawthorn Road, Manchester, M40 3RJ
34 Hawthorn Road, Manchester, M40 3RH
30 Hawthorn Road, Manchester, M40 3RH
12 Edith Cliff Walk, Manchester, M40 3TH
6 Edith Cliff Walk, Manchester, M40 3TH
Rose Cottage, Hawthorn Road, Manchester, M40 3RJ
55 Parkfield Road North, Manchester, M40 3TB
51 Parkfield Road North, Manchester, M40 3TB
32 Hawthorn Road, Manchester, M40 3RH
16 Edith Cliff Walk, Manchester, M40 3TH
14 Edith Cliff Walk, Manchester, M40 3TH
10 Edith Cliff Walk, Manchester, M40 3TH
8 Edith Cliff Walk, Manchester, M40 3TH
4 Edith Cliff Walk, Manchester, M40 3TH
2 Edith Cliff Walk, Manchester, M40 3TH

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA