

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136116/FH/2023
Date registered valid: 8 March 2023
Proposal: Erection of a garden shed and summer house in rear garden
Address: 1 Bloomesbury Avenue, Manchester, M20 2BN
Ward(s): Didsbury East Ward

Applicant: James Leung
Agent (if any):
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 03.05.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 28.03.2023

Standard consultations:

Printed: 21 March 2023 Expired: 11 April 2023

Neighbour notifications

Printed: 21 March 2023 Expired: 11 April 2023

Site notice

Posted: 28 March 2023 Expired: 18 April 2023

Press advert

Published: 28 March 2023 Expired: 18 April 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Trees protected by way of location in CA

Description of area

The application property is located on the site of the former Manchester Metropolitan University Didsbury Campus which has been subject of redevelopment to form new build residential properties together with the conversion of a number of listed buildings on the site (planning reference 108541 & 111891). These planning approvals removed the permitted development rights from properties relating to amongst other things the installation of outbuildings (Class E), the reason for this restriction was "Alterations to the proposed development could have an adverse impact on the visual amenity of the area and the setting of on site and adjacent Listed Buildings and the privacy of adjoining properties contrary to the provisions of Core Strategy policy DM1 and EN3.

The area is now predominantly residential although there is a new school building located on Wilmslow Road. The property is located in the Didsbury St James Conservation Area.

In addition to the listed buildings on the site there are a number of listed buildings in close proximity to the site which includes the Methodist Church of St Paul (Grade II), and its gates and boundary wall (Grade II). The houses of The Grove are all listed at Grade II. Pine House, to the north-east of the site, is also Grade II Listed; as is Park House (Didsbury Hotel) to the southeast.

Description of development

The proposals are for the installation of a garden shed and summer house within the rear garden. The summer house would be of a standard timber finish for outdoor garden buildings would be 1.8m in height, maximum length at roof level of 3.6 metres and a depth of 2.35 metres, with double door and windows at either side to the front elevation. The summer house would be sited to the rear boundary of the property adjacent the boundary with the Didsbury Park property to the rear.

The garden shed would again be of a timber finish with a length of 3.5m, width of 1.7m and height of 2 metres. The shed would be sited to the south of the dwelling adjacent the boundary wall with the parking court serving the apartments within the wider residential development.

Consultations & Notification Responses

The application was subject to a site notice, advertisement in the Manchester Evening News and notification letter to neighbours. No responses were received.

Policy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Manchester Core Strategy

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (LDF). The Core Strategy is to be used as the framework that planning applications will be assessed against.

There are a number of relevant policies within the adopted Core Strategy relevant to the consideration of the current application in summary these are set out below with reference where applicable to why they are relevant in this instance.

Policy SP1 (Spatial Principles) - This policy sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- creating well designed places,
- making a positive contribution to health, safety and well-being,
- considering the needs of all members of the community, and
- protecting and enhancing the built and natural environment

Policy EN3 (Heritage) - This policy states that new development must be designed to preserve, or where possible, enhance the historic environment, character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1 (Development Management) this policy states all development should have regard to the following specific issues:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

As set out within the issues section of this report below, the application proposals are considered to be in general accordance with policy DM1 of the Core Strategy.

Policy DC18.1 (Conservation Areas) - seeks to preserve and enhance the character of its designated conservation areas. Demolition within a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.

Policy DC19.1 (Listed Buildings) - This policy promotes the desirability of securing the retention, restoration, maintenance and continued use of listed building and to protecting their general setting.

Issues

The principle of the erection of outbuildings within the curtilage of a dwellinghouse on the wider site has previously been considered acceptable subject to consideration of the impacts on the visual amenity of the area, setting of listed buildings and the Didsbury St James Conservation Area.

Visual Amenity - The proposed outbuildings are to be located towards the rear of a communal car park and rear garden which is surrounded by a 1.8 metre high timber fence. Views of the outbuildings would be restricted to direct views from the entrance of this car park and within it, it was noted that the garden shed had been installed during the site visit and views were limited to the mono-pitch roof which sits slightly above the fence line.

Views from the public footpath onto Sandhurst Road to the north would be restricted given the distances involved and the presence of landscaping and boundary fences. The structures are not considered to be of a scale or size that would warrant refusal.

Impact on the setting of Listed Buildings - The siting of the outbuildings to the rear of a newly constructed dwellinghouse and communal car park are not considered to give rise to impacts on the setting of listed buildings or the wider redeveloped site.

Impact on privacy and residential amenity - Given the siting of the outbuilding and its relationship to adjacent residential properties it is not considered that the structure would give rise to unacceptable impacts on privacy or residential amenity. The siting is approximately 25 metres from the rear of number 3 Bloomesbury which is separated from the application site by boundary fencing and approximately 37 metres from the rear of the nearest property on Didsbury Park. Given the distances between the proposed structures and the nearest residential dwellings together with the existence of boundary wall and fences it is not considered that the proposed outbuildings would give rise to unacceptable impacts on residential amenity or impact on privacy.

Impact on Didsbury St James Conservation Area - The installation of garden outbuildings in a conservation area is not itself unusual. The views of the proposed structures would be limited to the views from the rears of existing properties and from within the communal car park. Surrounding boundary treatments and landscaping further restrict views of the outbuildings.

Trees- The installation of the outbuildings would not impact on trees either on or adjacent the site. A hedgerow which was indicated for removal as part of initial proposals to widen the drive have been removed from the application proposals.

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 no issues have arisen and the application has been determined in accordance with statutory timescales

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:

Summer House Details; Summer House Specification; Summer House Dimensions; Garden Shed Details; Garden Shed Specifications; Garden Shed Dimensions received on the 20th February 2023

Location plan received on the 31st January 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.

Appendix 1 – List of consultees & neighbours notified

Didsbury Civic Society

6 Bloomesbury Avenue, Manchester, M20 2BN

19 Didsbury Park, Manchester, M20 5LH

17 Didsbury Park, Manchester, M20 5LH

15 Didsbury Park, Manchester, M20 5LH

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

Conservation Area - Didsbury St James Conservation Area 1970

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA