

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135714/FH/2022
Date registered valid: 12 December 2022
Proposal: Erection of single storey outbuilding to rear garden
Address: 8 Earl Walk, Manchester, M12 4PX
Ward(s): Ardwick Ward

Applicant: Mr. Theophilus Emmanuel
Agent (if any): Mr. Niamat Ali, NA Design
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 6 February 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 11 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 21 December 2022

Expired: 11 January 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 relates to a semi-detached house with a pitched roof running from west and an eastern gable elevation. The site is located in a predominantly residential area. The application site also lies on the southern side of Earl Walk, which forms a residential cul-de-sac and is bounded by Mull Avenue to the east and Linnett Close to the south of the site. The application site abuts the eastern boundaries with nos. 26-30 Mull Avenue.

Site History

110805/LP/2015/N2, Application for a Lawful Development Certificate for a proposed single storey rear extension to form additional living accommodation, Approved Feb 2016. (Not implemented - planning officer's site visit, dated 11.01.2023)

Description of development

The submitted plan relates to a proposed single storey outbuilding to rear garden.

Following negotiations, the initially submitted plan has been slightly revised in the interest of residential amenity, (revised plans dated, 26/01/2023). The initially proposed side facing widow along the Linnett Close elevation to the serve the proposed study room has been removed.

The proposed outbuilding, (length 8250mm x width 3650mm x maximum height 3308mm), would be sited along the eastern boundaries with nos. 26-30 Mull Avenue, leaving a small gap of approximately 228mm from this boundary. It would retain a separation distance of approximately 1400mm from the rear building line of the main dwellinghouse, whilst retaining a maximum gap of approximately 669mm from the boundary along the Linnett Close elevation. A separation distance of approximately 3944mm would also be retained from the common shared boundary with no. 6 Earl Walk. The outbuilding would have a shallow pitched roof design, with 2no. windows and patio doors facing the common shared boundary with no. 6 Earl Walk. The proposed window to serve the shower room would be obscurely glazed. In terms of external facing materials, the outbuilding would be constructed in matching materials and finishes similar to the main dwellinghouse.

Consultations & Notification Responses

1. Local residents/public opinion

No objections, comments or representations received.

2. Cadent Gas Ltd

No objection to the application, however; it is advised an informative note is attached to any recommendation for planning permission.

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:

- 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:

- Policy DM 1 (Development Management)
- Policy SP1 (Spatial Principles)
- Policy EN1 (Design Principles and Strategic Character Areas)
- Policy EN19 (Waste)
- Policy T2 (Accessible areas of opportunity and need)

3. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- 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

Following negotiations, the initially submitted plan has been slightly revised in the interest of residential amenity, (revised plans dated, 26/01/2023).

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 within the immediate neighbouring gardens having outbuilding structures, and due to the fact that there are no immediate residential properties behind the rear boundary along Linnett Close, and due to the fact that the properties facing the application site along the Linnett Close elevation are commercial/industrial by nature, and the fact that the proposed outbuilding would be significantly screened by the existing boundary treatment along the Linnett Close elevation, the proposal is unlikely to present any significant adverse impact in terms of visual intrusion. In addition, given the revisions to the initially submitted plan, (dated, 26/01/2023), it is not

considered that the proposal would adversely affect the streetscene or neighbouring houses, in terms of the proposed height, scale and massing. On balance, it is considered that the proposed development would allow the adaptation of the existing dwelling to meet the changing needs of the occupiers, and it is not considered that the development would result in undue overlooking or loss of privacy, and the proposed development would not affect the relationship of the site for configuration of neighbouring houses, subject to conditions. It is therefore recommended that further conditions are attached to ensure that only approved doors and windows are incorporated into the proposed outbuilding, proposed materials are in keeping, and the outbuilding would only be used 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.

Impact of works (Design and appearance) - In light of the revised plans, (dated, 26/01/2023), and the fact that the outbuilding would be constructed in matching materials and finishes similar to the main dwellinghouse, it is not considered that the proposed development would unduly harm the character of the building or the general area. In addition, a materials condition has been attached to ensure that the materials are adhered to, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and saved UDP policy DC1.

Impact of works (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.

Impact of works (Car Parking) - 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.

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

In this instance, the initially submitted plan has been slightly revised in the interest of residential amenity, (revised plans dated, 26/01/2023). 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 12 December 2022.
- o Correspondence from agent dated 26/01/2023, confirming revised plans.
- o Location Plan, Existing and Proposed Floor Plans, DRAWING No NA-P01, received by the City Council as the Local Planning Authority on 26 January 2023.
- o Proposed Elevations and Section Plan, DRAWING No NA-P02, received by the City Council as the Local Planning Authority on 26 January 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 of the existing building in terms of type, colour, texture and scale and 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 Location Plan, Existing and Proposed Floor Plans, DRAWING No NA-P01; and Proposed Elevations and Section Plan, DRAWING No NA-P02, both received by the City Council as the Local Planning Authority on 26 January 2023.

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

5) The outbuilding shown on: Location Plan, Existing and Proposed Floor Plans, DRAWING No NA-P01; and Proposed Elevations and Section Plan, DRAWING No NA-P02, both received by the City Council as the Local Planning Authority on 26 January 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 8 Earl Walk, 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.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety. Pursuant to policies DM1 and EN18 of The Manchester Core Strategy Development Plan Document (July 2012)

Appendix 1 – List of consultees & neighbours notified

Unit 6B, Longsight Industrial Estate, Linnett Close, Manchester, M12 4EZ
6 Earl Walk, Manchester, M12 4PX
30 Mull Avenue, Manchester, M12 4PR
28 Mull Avenue, Manchester, M12 4PR
26 Mull Avenue, Manchester, M12 4PR
16 Mull Avenue, Manchester, M12 4PR
14 Mull Avenue, Manchester, M12 4PR

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
Area Team Boundary - Name: NORTH AREA