

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135941/FH/2023

Date registered valid: 11 January 2023

Proposal: Erection of single storey outbuilding, in rear garden, to form additional living accommodation

Address: 5 Balliol Street, Manchester, M8 0WS

Ward(s): Crumpsall Ward

Applicant: Mr Rafi

Agent (if any): Mr Kevin Foey

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: REFUSE

Date of recommendation: 1 March 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 9 February 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 January 2023 Expired: 15 February 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

Description of site/building

The site relates to a two storey semi-detached property in the Crumpsall ward of Manchester. There is amenity space to the front and rear of the property. The site is bounded by similar properties. The rear garden has a small picket fence to one side marking the common boundary between the neighbouring property. The opposite side of the common boundary has no fencing marking the boundary.

Description of area

The area is predominantly residential in character.

Description of development

The applicant is seeking consent for the erection of outbuilding.

Site History

134631/FH/2022 Erection of part 2-storey part single storey rear extension with new stepped access and associated boundary treatment. Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one letter of objection was received raising concerns regarding incremental development such as hard landscaping and inappropriate developments are eroding the character of the area and is having a detrimental impact on biodiversity due to loss of garden space. The issues raised by the objector will be discussed within the body of this report.

Issues

Policy and Issues

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal does not accord with the principles of this policy document.

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. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future occupiers.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers.

In this instance the principle of the proposal is considered unacceptable, and it is believed that there are factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposal is deemed not to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Residential Amenity

The applicant is seeking consent for the erection of an outbuilding. Annotation of the outbuilding shows one bedroom, a shower room and a Kitchen/living area. Access can be achieved via the property or rear of the site.

The structure would measure approximately 8m in width and 8.4m in length along the shared boundary with no. 7 and 3 Balliol Road. The roof would be predominantly an apex with a small, hipped element, with two windows and two patio doors on the front elevation and two obscurely glazed windows on the side elevation. Given the proposals mass and bulk along the boundary and close relationship to the neighbouring properties either side, it is considered that the proposal would provide an overbearing structure which would be out of character with the area and lead to the loss of residential amenity currently being enjoyed by the occupiers of adjoining properties.

The location of the outbuilding on the rear garden boundary and with a separate access constitutes a form of development that is out of character with the pattern of development in the area, where there are no outbuildings with the option of independent or separate access in rear gardens. As such, the proposal represents an uncharacteristic form of development that is at variance with the prevailing character of the area.

The City Council considers that the proposed size and layout of the outbuilding would provide an incongruous feature which would be considered detrimental to the character of the surrounding area.

The proposal is therefore considered would conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed outbuilding is believed to provide an overbearing impact upon the residential amenities of the adjoining properties and therefore, it is considered that the proposal would provide an overbearing structure which would be out of character with the surrounding properties in the area.

It is therefore considered that the scale and mass of the proposed structure is not satisfactory and is considered not to accord with the principles for residential extensions set out in saved UDP policy DC1, DM1 and EN1 of the Core Strategy.

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area. The design is not detailed as what is normally expected of such a structure.

On balance it is considered that the design and appearance of the proposed development does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Waste management

The applicant/agent has not provided bin storage details of the new location in relation to this proposal.

Parking

Parking is unaffected by this proposal.

Conclusion

It is considered the proposal would provide visual harm to the occupiers of the adjoining properties by way of appearance, bulk and mass and does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy.

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

Positive and proactive working - 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 proposed development due to its poor design, scale and massing and relationship to the adjoining properties would form an unduly visually obtrusive feature to the detriment of visual amenity and character of the area, and would form an overly bulky, structure with an overbearing impact to the occupiers of surrounding properties and as such is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF.

Appendix 1 – List of consultees & neighbours notified

39 Woodlands Road, Cheetham, Manchester, M8 9LF
41 Woodlands Road, Cheetham, Manchester, M8 9LF
7 Balliol Street, Manchester, M8 0WS
3 Balliol Street, Manchester, M8 0WS
1 Balliol Street, Manchester, M8 0WS
75 Greenhill Road, Manchester, M8 0NS

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA