

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134888/FH/2022

Date registered valid: 29 September 2022

Proposal: Proposed conversion of a garage into a habitable room including re-design of the roof

Address: 23 Ashdown Avenue, Manchester, M9 6PR

Ward(s): Higher Blackley Ward

Applicant: Mrs Shafaq Mughal, 23 Ashdown Avenue, Manchester, M9 6PR

Agent (if any): Mr Talat Zeria, HSH Engineering Design Service, 428 Cheetham Hill Road, Manchester, M8 9LE

Case officer: Katie Raw
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Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23 November 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 28 October 2022

Standard consultations:

Printed: 5 October 2022 Expired: 26 October 2022

Neighbour notifications

Printed: 5 October 2022 Expired: 26 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 23 Ashdown Avenue within the north Manchester ward of Higher Blackley. The application property relates to a detached, two storey, red brick property which sits on the corner of Ashdown Avenue and Strain Avenue. Amenity space to the front of the property is accessed from Ashdown Avenue and consists of a pebbled driveway, grassed area and stepped access to the front entrance. Amenity space to the rear of the property consists of a paved area and a two storey garage is sited against the rear boundary line. Steps provide access from the rear amenity space to the front of the garage, located off Strain Avenue, where a further off street parking space is located.

Description of development

The submitted application is for the proposed conversion of a garage into a habitable room including re-design of the roof.

The conversion of the garage would include a split level design- with an open space to the ground floor and a small kitchenette and toilet to the mezzanine level. Access to the room would be available from the existing steps at the rear of the property. In addition, the conversion of the garage would include the replacement of the garage door with a window within the front

elevation facing Strain Avenue. Furthermore, the existing windows and door within the side elevation facing the applicant's property would be removed and one window inserted within the first floor.

The re-design of the roof would include a minor adjustment so that the eaves height of the roof on the southern side would match the eaves height of the northern side. As existing, the garage's roof alignment facing Strain Avenue is not level.

Materials to be used in the proposal, would match the existing garage and would include brick walls, roof tiles, uPVC windows and doors.

Planning history

F12501- Land at corner of Ashdown Avenue and Strain Avenue, Higher Blackley- Erection of one detached house and one detached garage.
Approved 2 April 1980.

F10253- Vacant site corner of Ashdown Avenue/ Strain Avenue, Blackley- Erection of a dwellinghouse on vacant land.
Approved 4 April 1979.

F07198- Land at corner of Strain Avenue, and Ashdown Avenue, Blackley- Erection of 6 lock-up garages.
Refused- 5 October 1977.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received.

Highway Services

Highways were consulted on the application and provided the following comments:
The application will result in the loss of a garage space which may have been used for vehicle parking.

It appears that there is an existing on plot driveway with dropped crossing on Strain Avenue. Limited dimensional detail is afforded by the plans so it is unclear if this will be retained - this should be confirmed. It should also be noted that driveway parking spaces should be minimum 3m wide and 6m length to ensure that vehicles do not encroach onto the footway.

Should no on-site parking be available then vehicles associated with the property will add to existing on-street demand. MCC Highways have concerns that the conversion of this garage space to living accommodation and the loss of a parking space may result in an increase in on-street car parking demand, which could negatively impact local highway capacity and safety.

If the existing vehicular access on Strain Avenue is no longer required, the footway will need to be reinstated. Any modifications / improvements to the public highway or footpath will require agreement with MCC's Highways Applications and Network Resilience teams. This will be funded at the applicant's expense. The following link provides access:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_highways_-_section_278_agreements/category/355/highways_and_pavements

Environmental Health

Environmental Health were consulted on the application and no response was received.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 9: Promoting sustainable transport - States that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.
- iii. Chapter 12: Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1(Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

ISSUES

Principle of Development

The submitted application seeks planning permission for the proposed conversion of a garage into a habitable room including re-design of the roof. The principle of development is not acceptable, as the existing structure is considered unauthorised and as such the LPA are unwilling to support any future alterations to the building.

Visual/ Residential Amenity

Conversion of garage:

As the garage would be converted into a habitable room which would be ancillary and used in connection with the main dwellinghouse, it is acknowledged that this element of the proposal could be obtained through Permitted Development rights. However, although planning history exists for the garage, approved in 1980 (planning ref: F12501), the two storey form of the garage is considered to be unauthorised albeit that it would likely be granted a lawful development certificate given the passage of time. The conversion of the garage with elevational alterations cannot be supported through this application. The garage is already considered to have a negative impact along the shared boundary with no.9 Strain Avenue, acting as a dominant feature. The elevational alterations associated with the application would be considered to enhance adverse visual/residential implications.

Re-design of the roof:

The minor adjustment to level the eaves of the garage cannot be supported since the structure is considered unauthorised and not a building the LPA would be willing to accept. The additional brick work proposed would further add to the dominant feature along the shared boundary with the neighbouring property, to the detriment of residential amenity. The garage is positioned in a prominent place along Strain Avenue and as such would create an overbearing feature not just to no.9 Strain Avenue, but to the immediate streetscene.

Design and Appearance

Whilst the materials proposed for the application would be acceptable and would be typical of a similar structure, since the garage is considered unauthorised, any future work is considered inappropriate.

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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

- 1) The proposed conversion of a garage into a habitable room including re-design of the roof would create an over dominant feature to the rear of the applicant property and would harm the visual amenity of those properties along Strain Avenue. The proposal would therefore have an unduly harmful impact on visual amenity, which is contrary to policies SP1, EN1, DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

9 Strain Avenue, Manchester, M9 6PS
19 Ashdown Avenue, Manchester, M9 6PR
21 Ashdown Avenue, Manchester, M9 6PR
12 Ashdown Avenue, Manchester, M9 6PR
4 Strain Avenue, Manchester, M9 6PS
2 Strain Avenue, Manchester, M9 6PS
10 Ashdown Avenue, Manchester, M9 6PR

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
Area Team Boundary - Name: NORTH AREA