

Town & Country Planning Act 1990 (Section 78)

Appeal against refusal of planning permission

Erection of a pair of semi-detached dwellinghouses, together with associated landscaping and car parking, following the demolition of the existing building

Workshop rear of 14 Kenworthy Lane, Manchester, M22 4EJ

Grounds of Appeal

submitted by Stephen Lamb DipTP MRTPI

7th November 2022

1 Introduction

- 1.1 This appeal is against the refusal by Manchester City Council to grant planning permission for the erection of a pair of semi-detached dwellinghouses, together with associated landscaping and car parking following the demolition of existing commercial building on land to the rear of 14 Kenworthy Lane, Northenden, Manchester.
- 1.2 The application to the Council for the change of use included a supporting Planning Statement (Appendix A) which contains the case for the application. Reference is made to that document, rather than repeat the points in this statement, so that the focus here is on the Council's reasons for refusal.
- 1.3 The three reasons for the refusal are set out below:
 - 1) The proposed development, by reason of its design and siting would have an overbearing impact on the neighbouring properties and would as a result have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 10 and 14 Kenworthy Lane and nos. 9 and 11 Heyridge Road (sic Drive) contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.*
 - 2) The proposed development, due to the inadequate number of parking spaces proposed and loss of existing parking spaces, would lead to an increase in on-street parking in an area that experiences a high demand for on-street parking spaces. This increase in on-street parking would have a detrimental impact upon the levels of pedestrian and highway safety*

enjoyed along Kenworthy Lane, contrary to Policy DM1 in the Manchester Core Strategy Development Plan Document.

3) The proposed development, due to its design, would be out of character with the context within which it is located. It would therefore be detrimental to existing levels of visual amenity enjoyed within the vicinity of the site and contrary to Policies SP1 and DM1 in the Manchester Core Strategy and guidance contained within the National Planning Policy Framework and National Design Guide.

- 1.4 Each of these reasons is addressed separately in the statement below.

2 Proposal

- 2.1 The details of the proposal are set out in the plans and statement accompanying the application and are also described in the Council's report on the application attached at Appendix B.

3 Site and Surroundings

- 3.1 The appeal relates to a substantial commercial premises and its curtilage and the details of the site and surroundings are provided in the Planning Statement submitted with the application at Appendix A.

4 Background, History and Character of the Area

- 4.1 The background and history to the property and the character of the surrounding area are explained in the Planning Statement submitted with the application. Most notably, a smaller site has been the subject of a previous appeal for two dwellings, which was dismissed solely on the basis of the loss of privacy in the rear gardens of 14-16 Kenworthy Lane and 11-13 Heyridge Drive. This decision provides a very important material consideration in the determination of this appeal. The appeal decision and plans are provided at Appendix C and D.

5. Grounds for Appeal

5.1 The three reasons for refusal are addressed as follows.

Reason 1

5.2 The first reason relates to an alleged overbearing impact on the residents at the neighbouring properties nos. 10 and 14 Kenworthy Lane and nos. 9 and 11 Heyridge Road.

5.3 The Officer's report on the application deals with the impact on nos.10 and 14 Kenworthy Lane as follows:

It is noted that the first floor windows in the front elevation, which face the facing (sic) the rear gardens of the dwellings on Kenworthy Lane, particularly no. 14 Kenworthy Lane, would be obscurely glazed, while the second floor windows would be obscured to a height of 1.7 metres. Nonetheless, as the proposal would be sited close to the rear garden boundary of no. 14 Kenworthy Lane, i.e. 2.8 metres away, it is considered that it would still have an overbearing impact on the occupants of that property and would detract from the enjoyment of their rear garden. Consequently, it is considered that the siting the proposal in the local proposed (sic), would have a detrimental impact on the existing levels of residential amenity enjoyed by the occupants of no. 14 Kenworthy Lane.

5.4 This issue was explained in the previous appeal decision as follows:

6.....from the first floor bedroom windows the proposal would give rise to direct overlooking of the adjoining gardens. At such close quarters the subsequent loss of privacy and sense of intrusion would be harmful to the existing occupant's living conditions.

7. It is appreciated that within a built-up urban environment there will inevitably be a degree of mutual overlooking, and that views of neighbouring properties are already possible from the existing office. Due to the position of outriggers at the rear of houses on Kenworthy Lane direct views of habitable room windows would also be limited. However, the relationship between the proposed pair of dwellings and the adjacent rear gardens would be materially different than the existing office. Situated within such close proximity to the site boundaries, and with their principal elevations turned through 90-degrees, potential future occupants would be able to look directly into the adjacent gardens from first floor level. The sense of intrusion would be especially harmful at the rear of nos.14 and 16 Kenworthy Lane which only have relatively small private outdoor areas.

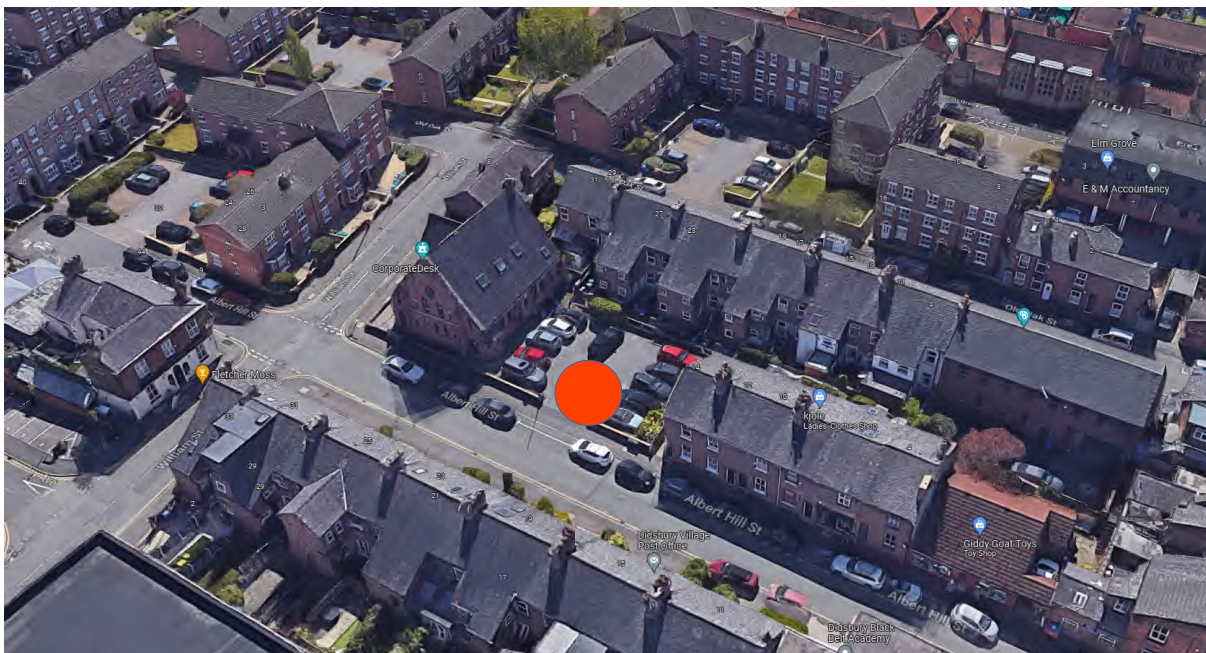
5.5 It is clear that the Inspector's concern related to direct overlooking of the rear gardens from the two new houses, which had intrusive unrestricted views from kitchen and bedroom windows. The current proposal deals with this

concern by repositioning, redesigning and reorientating the houses to avoid overlooking of these gardens and property.

- 5.6 The Council's reason for refusal and explanation does not relate to loss of privacy, but to an *“overbearing impact on the occupants of that property and would detract from the enjoyment of their rear garden”*. This is very different from the concern about privacy, which was the sole determining factor in the appeal decision. Notably, the current proposal is not dissimilar in respect of its physical presence on the site and impact on neighbouring properties, which was not found wanting in the appeal decision.
- 5.7 This reason therefore introduces an entirely new basis of concern, which was not identified by the previous Inspector. Moreover, the Council does not have any specific policy or guidance which sets out how such concern is identified and assessed.
- 5.8 However by comparison, the Council allowed a pair of semi-detached houses in 2020 on the former car park at The Old Church, Albert Hill Street, Manchester M20 6RF, the details of which are available on the Council's Portal at:

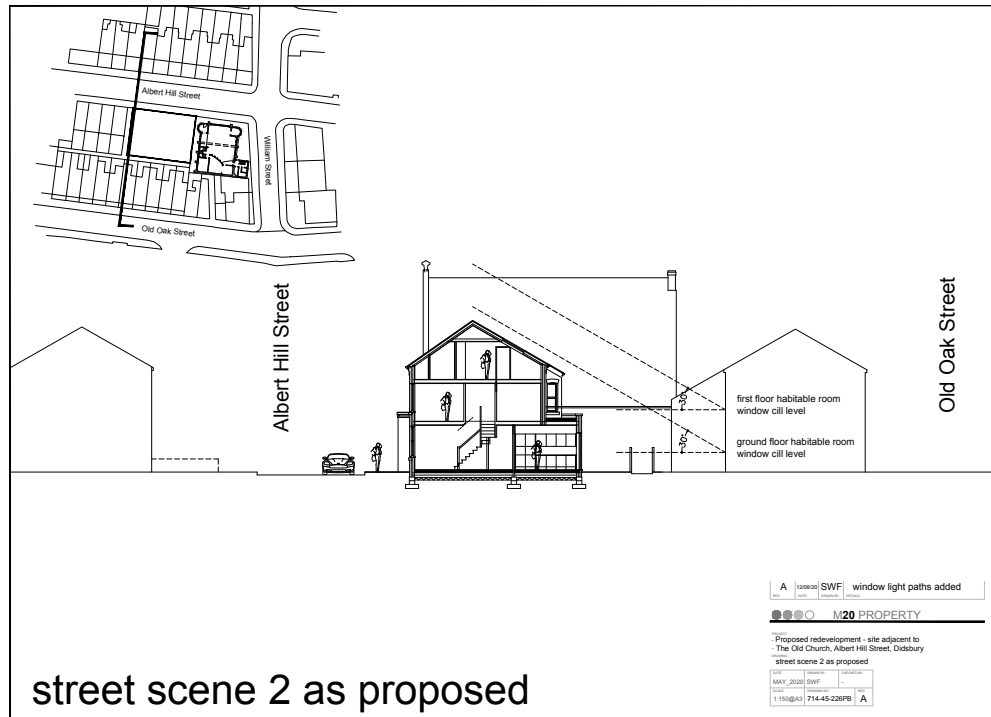
<https://pa.manchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QBG30MBCGEF00>)

The site in question is shown in red on the following image and is approximately 2km from Kenworthy Lane in a similar urban area of Manchester.



Aerial view of site courtesy of Google Earth

- 5.9 The layout, cross section and image of the completed approved development below, show the close relationship between the rear of the new houses and the rear of the existing houses on Old Oak Street. The actual distance from the rear two-storey bay of the new houses to the rear outrigger of the existing houses (which have habitable room windows facing the development) is 7.2m and to the main rear wall of the existing houses is 10.5m. The distance of the new houses to the small rear yards of Old Oak Street is 5.8m.



Site plan and section of approved development at albert Hill Street, Didsbury



View of new houses on the left with existing rear of Old Oak Street to the right

- 5.10 Given its acceptance of the above relationship, it is impossible to reconcile the Council's first reason for refusal for a development which has a significantly better space relationship and dramatically less of an overbearing impact on its neighbours. This example is a clear precedent which is a material consideration of significant weight in addressing this reason for refusal.
- 5.11 Not only does the current appeal proposal address the concern relating to privacy, but it has the advantage for the residents of 14 and 16 Kenworthy Lane (and others around the site) of removing a non-conforming commercial use, which has the capacity for intrusive uncontrolled activity from the coming and going of staff and visitors with commercial vehicles.
- 5.12 The proposal also replaces the existing utilitarian building with new houses sited away from the boundary with 16 and 18 Kenworthy Lane, providing a significant enhancement to the outlook from these properties, which will include substantial new tree and shrub planting.
- 5.13 As such the proposals address the specific concerns of the Inspector relating to these properties as well as creating a material improvement in the overall amenity of the residents on Kenworthy Lane.
- 5.14 The inspector's letter identified the following shortcomings in respect of the previous proposal in relationship to Heybridge Drive:

8. Properties on Heyridge Drive to the north-east are estimated to be at least 27m away from the proposal and there are a number of intervening trees. Although this would limit the impact of the proposal, the trees do not occupy the full width of the appeal site and the proposed dwellings would only be approximately 2.5m away from the boundary in places. As a result, the combination of landscaping and single storey outbuildings would not be sufficient to adequately mitigate the harmful sense of intrusion from 2-storey residential development so close to the adjoining rear gardens. New planting would also take a significant period of time in order to reach a level where it would provide effective screening from first floor windows.

- 5.15 The design, orientation and location of the dwellings further away from this boundary is accompanied by a comprehensive bespoke planting scheme which incorporates shrubs and pleached trees to supplement the existing tree cover. This will provide a substantial and attractive boundary feature which will soften and screen the development from these properties and their gardens.
- 5.16 With the exception of the small fourth bedroom, no first floor windows face this boundary and the ground floor windows will be protected from intrusion, by the planting and screen boundary fence.
- 5.17 The use of the fourth bedroom by its nature, is unlikely to cause any material loss of privacy, however should this be of concern, it would be acceptable to the appellant for a condition to be imposed requiring these windows to be obscure glazed to a height not less than 1.5m from internal floor level.

- 5.18 The houses on Heybridge Drive, will also benefit from the demolition of the existing commercial building which lies on the boundary, as well as the removal of the non-conforming use, with its potential for noise and disturbance.
- 5.19 Overall, the current proposal by incorporating additional unused land, has allowed a complete redesign and reorientation of the development, along with specific and comprehensive planting proposals. The current proposal therefore addresses the previous concerns over privacy, as well as the unfounded first reason for refusal and provides a qualitative environmental improvement from the existing position for surrounding neighbours. The first reason for refusal is therefore considered to be unjustified.

Reason 2

- 5.20 The second reason alleges a loss of parking and consequent highway safety concerns. The Officer's report includes the comments from the Highways Services specialist as follows:

• The site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of local bus services.

• It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.

• It is indicated within the application that on-site parking is being reduced from 6 to 4 spaces. This suggests that two spaces will be provided for the two new dwellings and that four on-site spaces will be lost for the adjacent property number 12. The overall loss of onsite parking coupled with an increase in the number of units gives rise to concern in an existing area of high demand for on-street parking.

- 5.21 These comments (which do not carry a recommendation of refusal) are then translated into a reason for refusal based on the following assessment by the Case Officer:

Car Parking – *At present the concrete are to the rear of nos. 10 and 12 Kenworthy Lane is used as the car parking facilities for the residents of the four flats (one space per flat). This proposal would result in the loss of those facilities.*

The applicant is proposing to provide four parking spaces – one for each of the proposed dwellings and one per nos. 10 and 12 Kenworthy Lane. This would result in a shortfall of two parking spaces. In all likelihood, the four proposed spaces would be occupied by the residents of the proposed

development and the cars associated with the residents of nos. 10 and 12 Kenworthy Lane would be displaced onto Kenworthy Lane, a part of the highway network that is already subject to a high degree of on-street parking.

It is considered that the proposed parking arrangements for the proposed dwellings and nos. 10 and 12 Kenworthy Lane would be insufficient and the resultant displacement onto Kenworthy Lane would have a detrimental impact on the existing levels of pedestrian and highway safety enjoyed along that road.

- 5.22 From the Officer's report, it is clear that there is a misunderstanding by the Council of the current and proposed parking situation. A comprehensive plan of the parking is therefore provided at Appendix E for clarity and information.
- 5.23 The development provides four spaces along the access drive to supplement the two rear spaces retained at 10 Kenworthy Lane and the two frontage spaces at 10/12 Kenworthy Lane. Both properties are divided into a one-bed and a two-bed apartment.
- 5.24 Therefore each of the apartments and new houses have a parking space and there are two additional spaces for visitors etc.
- 5.25 The Manchester Core Strategy, Policy DM1 simply requires that all new development should have regard to vehicular access and car parking. The parking standards within this document do not relate to residential development.. It does not provide any indication as to why the proposed level of parking is unacceptable given its highly sustainable location.
- 5.26 The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (adopted April 2007) provides general guidance on the design of parking but does not provide any quantitative guidance. There is nothing in this document which would support the Council's reason for refusal.
- 5.27 Significantly, the report and refusal takes no account of the advice at paragraph 111 of the National Planning Policy Framework (NPPF) which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.28 From the comments of the Highways Specialist, it is clear that the development has no such impact.
- 5.29 For completeness, the following images show that there is an unrestricted parking space outside the site on the street and several others away from the junction with Palatine Road, but in close proximity to the site along Kenworthy Lane.



On-street parking outside the site



On-street parking along Kenworthy Lane

5.30 It is therefore submitted that the second reason for refusal is not justified.

Reason 3

- 5.31 The third reason alleges that the design of the development would be out of character with the context within which it is located. The Officer's report explains this as follows:

Design – The proposed dwellings are traditional in design as they would be brick built and topped by a pitched tiled roof. However, in an attempt to overcome previous concerns about overlooking, the habitable room windows in the front and rear elevations have been replaced with recessed brick panels

- 5.32 Therefore the design concern is solely related to the incorporation of recessed brick panels, as indicated in red on the Officer's report. In other respects the design/appearance of the development is not criticised and is clearly acceptable.
- 5.33 The recessed brick panel features provide a visual relief and interest to the facades of the houses. They are one example of detailing which could be employed to add interest and texture to the elevations. The detailing of this is to a large extent a matter of preference. The applicant is entirely willing to provide alternative detailing such as brick banding or timber or tile cladding etc. to meet this concern.
- 5.34 Therefore whilst not accepting that this is a basis on which the application should be refused, the proposal is considered acceptable and capable of attractive implementation with suitable materials reserved by condition. Alternatively, a condition which reserves the detailed design of the elevations in question could provide other facade treatments for approval by the Council.

6 Conclusion

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The Council has refused the application on three grounds, none of which is justified. The decision has failed to take account of the highly sustainable location, the benefits of new housing provision at a time of National need and the requirement within the NPPF to make efficient use of land and to prioritise brownfield sites such as this.
- 6.3 The refusal of permission is therefore unjustified and it is respectfully requested that the appeal is upheld and permission granted.

Appendices

Appendix A - Planning Statement submitted with the application (attached)

Appendix B - The Council's report on the application (attached)

Appendix C - Previous appeal decision APP/B4215/W/16/3162029

Appendix D – Previous appeal plans

Appendix E – Parking Information Plan

Planning, Design & Access Statement

in support of the planning application for

Erection of two semi-detached dwellings at Darnell House, Kenworth Lane, Northenden, Manchester M22 4EJ



Image courtesy of Google Earth

Prepared by Stephen Lamb DipTP MRTPI

3rd May 2022

1. Introduction

- 1.1. This statement provides the comprehensive planning, design and access assessment in support of the application for a pair of semi-detached houses on the site of Darnell House, a detached 2-storey office building accessed between 12 and 14 Kenworthy Lane, Northenden.

2. Proposal

- 2.1. The application has been formulated through an assessment of the relevant policies, in the context of a previous planning appeal decision and recent pre-application discussion with the Council.
- 2.2. The houses have been designed to enhance the area, by creating characterful buildings which pay due regard to the amenity of surrounding residents.
- 2.3. The new houses will provide four-bedroom accommodation, within a three-storey building, the upper floor of which is contained discretely within the roof space. The design makes the best use of this sustainably located brownfield site and provides an appropriate balance between site coverage, scale, parking and garden space while protecting the amenity of neighbours.

3. Site and Surroundings

- 3.1. The application site includes a vacant office/light industrial building and its associated yard which is no longer required for this purpose. It also includes a portion of the unused rear garden to 12 Kenworthy Lane. The vehicular access is solely restricted to the application site and 12 Kenworthy Lane.
- 3.2. The site is in a predominantly residential area, approximately 100m from the B5167 Palatine Road and Northenden village, which has a wide range of shopping and social facilities, as well as excellent public transport links.
- 3.3. The site is shown on the following images.



Existing building to be demolished



Access on to Kenworthy Lane



View from the site to Kenworthy Lane



Existing building viewed from rear garden on Kenworthy Lane

4. Relevant Planning History

- 4.1. The site has a long history of commercial use as a glazing company, but is now vacant.
- 4.2. An appeal decision dated 10th April 2017 turned down a proposal for the demolition of the office and provision of two dwellings (ref: APP/B4215/W/16/3162029). The decision notice is attached to the application.
- 4.3. The Inspector dismissed the appeal solely for the reason that the layout, siting, orientation and scale of the proposal would result in a harmful loss of privacy in the rear gardens of 14-16 Kenworthy Lane and 11-13 Heyridge Drive to the detriment of the existing occupant's living conditions.

5. Community Engagement

- 5.1. The applicant undertook a pre-application discussion with the Council in 2021 to explain the intention to incorporate additional land beyond that included in the previous appeal application and provided a sketch layout to show how the concerns raised by the Inspector could be addressed.
 - The response from the Council suggested that an application should provide:
 - a detailed planting scheme (species, types and age) to demonstrate how the issues of overlooking have been resolved
 - A layout drawing annotated with measurements showing distances from proposed elevations to neighbouring properties
 - the location and manufacturer's details of the type of vehicle charging points
 - a section of the design and access document should include an energy statement detailing the technologies to be included in the scheme.
 -
 - It was also suggested that the parking spaces associated with no. 12 would be better located at the end of their site rather than separating the amenity space from the dwelling in the manner shown.
 -
 - The plans were revised to take account of these comments and a draft revision was referred to neighbours for comment. Comments were received from three separate addresses, one of no objection, one with a request for a substantial boundary fence/wall to the garden and one of significant concern over the potential loss of privacy from the dormer window, the loss of view of trees and the visual impact of the building. Concern over parking problems from the development was also raised.

- In recognition of these concerns the dormer windows have been modified to avoid any undue overlooking and the other aspects raised are addressed and explained within the final revised plans and this statement.

6. Relevant Planning Policies and Considerations

National Planning Policy Framework (NPPF) 2021

- 6.1. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. It sets out the requirements for the planning system and explains that the purpose of the system is to contribute to the achievement of sustainable development. There are three mutually dependent dimensions to sustainable development: economic, social and environmental and there is a presumption in favour of sustainable development.
- 6.2. The NPPF also provides guidance on building a strong competitive economy, delivering a sufficient supply of homes, making effective use of land, achieving good design and adapting to climate change, all of which are relevant considerations which have been taken into account in formulating the application.
- 6.3. Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Manchester Local Development Framework (LDF) comprises of the Core Strategy which was adopted in 2012 and the retained policies of the Unitary Development Plan, dating from 1995.
- 6.4. The proposed development meets the test of sustainable development as set out in the NPPF as follows:
- 6.5. Economic role – the proposal will provide an economic benefit by sustaining local employment in construction and providing a more efficient use of urban land without having to provide new infrastructure. The resulting residential accommodation will help sustain the local housing market and provide on-going benefit to the local economy.
- 6.6. Social role – the dwelling will meet the housing needs of two families in a highly accessible location close to a wide range of facilities and employment opportunities.
- 6.7. Environmental role – The proposal will redevelop and regenerate a disused brownfield site, which is in a highly sustainable location. It will remove a potentially non-conforming use and create a high quality, sustainable addition to the local environment. Substantial new planting will be undertaken to enhance the development and ensure it respects the outlook and privacy of neighbours.

Manchester Core Strategy

- 6.8. The Core Strategy Policy SO3 supports the principle of high quality housing at the site, as it is located in a highly sustainable location and helps meet housing need and supports economic growth.
- 6.9. Policy S06 seeks to protect and enhance both the natural and built environment of the City and ensure the sustainable use of natural resources, in order to mitigate and adapt to climate change with which the application accords.
- 6.10. Policy H6 proposes that South Manchester, which includes Northenden, will accommodate around 5% of new residential development over the lifetime of the Core Strategy, as the built up nature of the area constrains the availability of housing land.
- 6.11. Policy EN 1 provides Design Principles and expects development to follow the seven principles of urban design:

Character: a place with its own identity

Continuity and enclosure: a place where public and private places are clearly distinguished

Quality of the public realm: a place with attractive, and successful outdoor areas

Ease of movement: a place that is easy to get to and move through

Legibility: a place that has a clear image and is easy to understand

Adaptability: a place that can change easily

Diversity: a place with variety and choice

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.

Policy EN 4 seeks to reduce CO2 emissions by enabling low and zero carbon development.

Policy EN 8 expects all new development to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces.

Policy DM 1 provides Development Management requirements which should be considered, including the following:

- 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.

Manchester Unitary Development Plan (UDP)

6.12. Of the retained UDP policies, Citywide Development Control Policy 6 deals with “Housing on Backland Sites” as follows:

DC6.1 The Council will not normally grant consent for residential development on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses.

DC6.2 Development will not be permitted unless:

- a. there is no loss of privacy to adjoining dwellings and associated rear gardens;*
- b. access and parking arrangements do not significantly increase noise and disturbance for occupiers of existing adjoining dwellings;*
- c. the scale and design of the development is compatible with the character of buildings in the surrounding area;*
- d. there is sufficient space between the proposed and existing dwellings to avoid problems of significant overshadowing or of over-dominant appearance affecting either the existing or the proposed dwellings;*
- e. the proposal does not involve the loss of important trees or other natural features of high amenity value or the loss of locally important wildlife habitats;*
- f. the proposed and existing dwellings retain adequate levels of private amenity space; and*

g. in the case of development within a Conservation Area, in particular, the built form and the surrounding spaces maintain or enhance the character of the area.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance

- 6.13. This guidance document was adopted in April 2007 and provides more detailed advice on the form of development expected by the Council.
- 6.14. All of the above policy and guidance has been carefully considered in the formulation of the application, which is considered to be in conformity with the Development Framework.

7. Planning, Access and Design Considerations

Principle of Development

- 7.1. Lying within a residential area close to Northenden village centre, the principle of the development of this site for residential purposes is given general support from the development framework. The addition of two family houses at a time of acute housing shortage is a positive attribute of significant weight.
- 7.2. The previous application for the site and subsequent appeal raised no objection to the principle of development, but found the specific proposals to be unacceptable. This application has carefully considered the design of the development and its impact on neighbours and has incorporated additional surplus land to the rear of 12 Kenworthy Lane, which allows for significant changes to the development giving greater distances from neighbouring property.

Quantum

- 7.3. The size of the plot and its spatial relationship to adjacent property permits the siting of two moderately size dwellings. The planning framework encourages the efficient use of land and the provision of two houses represents a complementary scale of development to those in the area and the optimum layout whilst protecting the privacy and outlook of neighbours and providing adequate gardens and parking.

Scale and Massing

- 7.4 The houses reflect the scale of those nearby and include a modest dormer feature which permits the use of the roof space. This enhances the accommodation while retaining the domestic scale and appearance.

Siting

- 7.5 The siting follows the logic of the irregular shaped plot, with the principle elevations facing the access road and for reasons of privacy, the main habitable room windows facing the side gardens, which can be achieved due to the addition of the surplus land to the rear of 12 Kenworthy Lane. Each property has a parking space, with cycle and bin storage. The parking is arranged off the access road, along with the relocated spaces serving 12 Kenworthy Lane.

Appearance

- 7.6 The buildings will use traditional materials with brick walls, stone cills and slate roofs, which will complement the varied character of the surrounding area. Fenestration will be in dark grey upvc.

Access and Accessibility

- 7.7 Vehicular and pedestrian access is taken from the private access road. A parking space is provided for each house in addition to the relocated parking for 12 Kenworthy Lane. The layout provides for the ability to turn and return to the highway in forward gear.
- 7.8 The level of parking reflects the highly sustainable location and along with provision of secure cycle storage will serve to meet the needs of the development without promoting unnecessary use of the private car.
- 7.9 The intention is to create houses that are fully accessible and future-proofed. The following specific points will be incorporated:
- All access footpaths and circulation will have a firm and smooth surface and will be either level or lightly ramped, so as to not exceed 1:20 gradient with 1200mm width
 - The access drive and parking areas will have a consolidated permeable surface
 - All entrances will have a level threshold with a minimum opening of 850mm.

Sustainability

- 7.10 The dwellings will be designed to exceed the requirements of the Building Regulations Approved Document L1A Conservation of Fuel and Power in New Dwellings through a fabric first approach.
- 7.11 Both houses will incorporate solar panels on the south facing roof slope and air source heat pumps to provide sustainable energy sources and reduce carbon emissions.
- 7.12 The houses will be provided with electric vehicle charging points and cycle storage facilities.
- 7.13 The redevelopment of a brownfield site within the urban area, close to a wide range of facilities and excellent public transport links makes this a highly sustainable development.

Security

- 7.14 The layout of the site and buildings maximises enclosure and security, with passive surveillance of the private access road as well as minimising areas where individuals can hide. All windows and doors will comply with standards required by GMP's Secured by Design initiative as set out in their "Homes 2016" guidance document.

Landscaping

- 7.15 The application is supported by a comprehensive landscaping plan, which addresses the shortfalls identified by the previous unsuccessful appeal proposal.
- 7.16 The scheme includes substantial tree and shrub planting around the borders of the site, which will provide an attractive setting for the development and enhance the appearance of the site from the surrounding property.
- 7.17 In addition, the scheme incorporates two lengths of pleached tree planting along the Heybridge Drive boundary to create an attractive privacy feature.
- 7.18 The relocation of the parking and landscaped outdoor space for 12 Kenworthy Lane provides a more practical and usable amenity for this property.

Design, Daylighting, Privacy and Outlook

- 7.19 The houses are of bespoke design to address the previous concerns over privacy of neighbouring property. The house layouts are orientated to gain their main outlook to the side where the main gardens are located.
- 7.20 The proposed houses will have excellent daylight levels due to the distance from nearby buildings. The ground floor habitable rooms will have a private outlook, protected by boundary walling and fencing and supplemented by a strong landscape framework. As such the scheme will create a strong sense of privacy for the dwellings and prevent overlooking of neighbouring property.
- 7.21 The two main bedrooms on the first floor are similarly orientated with an outlook over the side gardens, preventing any direct conflict with neighbouring windows or private gardens. The small first floor bedroom is set off the rear boundary at a point where existing trees in the neighbouring garden provide significant screening. Should this be considered an issue, the windows could be obscure glazed.
- 7.22 The second floor bedrooms have a front facing dormer window, but the outlook is moderated by the use of obscure glazing to the lower section to avoid loss of privacy to adjoining houses and gardens.
- 7.23 The nature of the private access road will limit public access, making a relatively secluded and private development.
- 7.24 The configuration of the development addresses the potential issues expressed in the Council's Development Management Policy and Policy for dealing with housing on backland sites.

Flood Risk

- 7.25 The proposal is not within a flood risk area and is not therefore likely to be at risk of flooding.

Drainage

- 7.26 The site has access to the existing mains drainage system for foul sewerage.
- 7.27 The Phase 1 Site Investigation and Preliminary Risk Assessment suggests that due to the nature of the site, it is unlikely that it will be suitable for a soakaway system of surface water drainage, but that soakaway testing is required to determine its suitability.
- 7.28 It is proposed that in accordance with National Planning and Policy Framework (NPPF) and Local Planning Guidance, a surface water drainage strategy will be designed according to current practices for Sustainable

Drainage Systems (SuDS) with construction of separate drainage systems for foul and surface water. This can be controlled through a planning condition.

Contamination

- 7.29 The attached Phase 1 Site Investigation and Preliminary Risk Assessment estimates that various risks are generally low and there is no indication that the site cannot be safely developed with appropriate precautions.

Wildlife

- 7.30 A preliminary bat survey of the existing building has been undertaken and concludes that no bat roosts or evidence of bats were identified during the assessment. The overall assessment categorises the building 'Low' potential for roosting bats.
- 7.31 A further survey is recommended in accordance with current guidelines in the form of a single emergence or return survey between May and August inclusive to determine presence/likely absence which will inform appropriate mitigation. This can be controlled by condition.

8 Other Material Considerations

- 8.1 The existing vacant building has a lawful business use (class E) which renders it capable of conversion to a dwelling (subject to a prior approval process) under the provisions of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, Class MA – commercial, business and service uses to dwellinghouses.
- 8.2 The building is structurally sound and of sufficient size and configuration to be converted, without external alteration, to a single dwelling. As such this represents a realistic fall-back alternative option, which is a material consideration against which the application should be considered.
- 8.3 By comparison, the proposed houses represent a far superior quality of development which responds positively to the site constraints and optimises the efficient use of this sustainable location.

9 Overall Planning Assessment and Conclusion

- 9.1 The proposal accords with the spatial strategy and represents a sustainable development. It will provide a quality addition to the family housing stock in a highly accessible location, at time of acute shortage.
- 9.2 The proposals have been substantially revised to address the concerns raised at the previous appeal and the informal comments of the Council. The development will transform the site and create a high quality attractive development which will protect the amenity of adjacent neighbours.
- 9.3 The proposed development would replace the existing non-conforming use, the uncontrolled continuation of which could otherwise occur. The proposed development also represents a far superior alternative to the fall-back conversion of the existing building to a dwelling.
- 9.4 By comparison to these alternatives, the proposed development along with the substantial landscaping, will enhance the character and appearance of the area and provide two much needed family homes suitable for the 21st century.
- 9.5 The development therefore meets the requirements of the Development Framework and should be approved.

Planning

Growth & Development

Delegated officer report for planning application

Application no.	133695/FO/2022
Date registered valid:	17 May 2022
Proposal:	Erection of a pair of semi-detached dwellinghouses together with associated landscaping and car parking following the demolition of existing building
Address:	Workshop Rear Of 14 Kenworthy Lane, Manchester, M22 4EJ
Ward(s):	Northenden Ward
Applicant:	Mr Lanzbergin, Airside 1 Ltd, 22 Royle Green Road , Northenden, Manchester, M22 4NG
Agent (if any):	Stephen Lamb, Steve Lamb, 11 Princes Road, Heaton Moor, Stockport, SK4 3NQ
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	20 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 24 June 2022

Standard consultations:

Printed: 23 May 2022 Expired: 13 June 2022

Neighbour notifications

Printed: 23 May 2022 Expired: 13 June 2022

Site notice

No site notice has been produced

Press advert

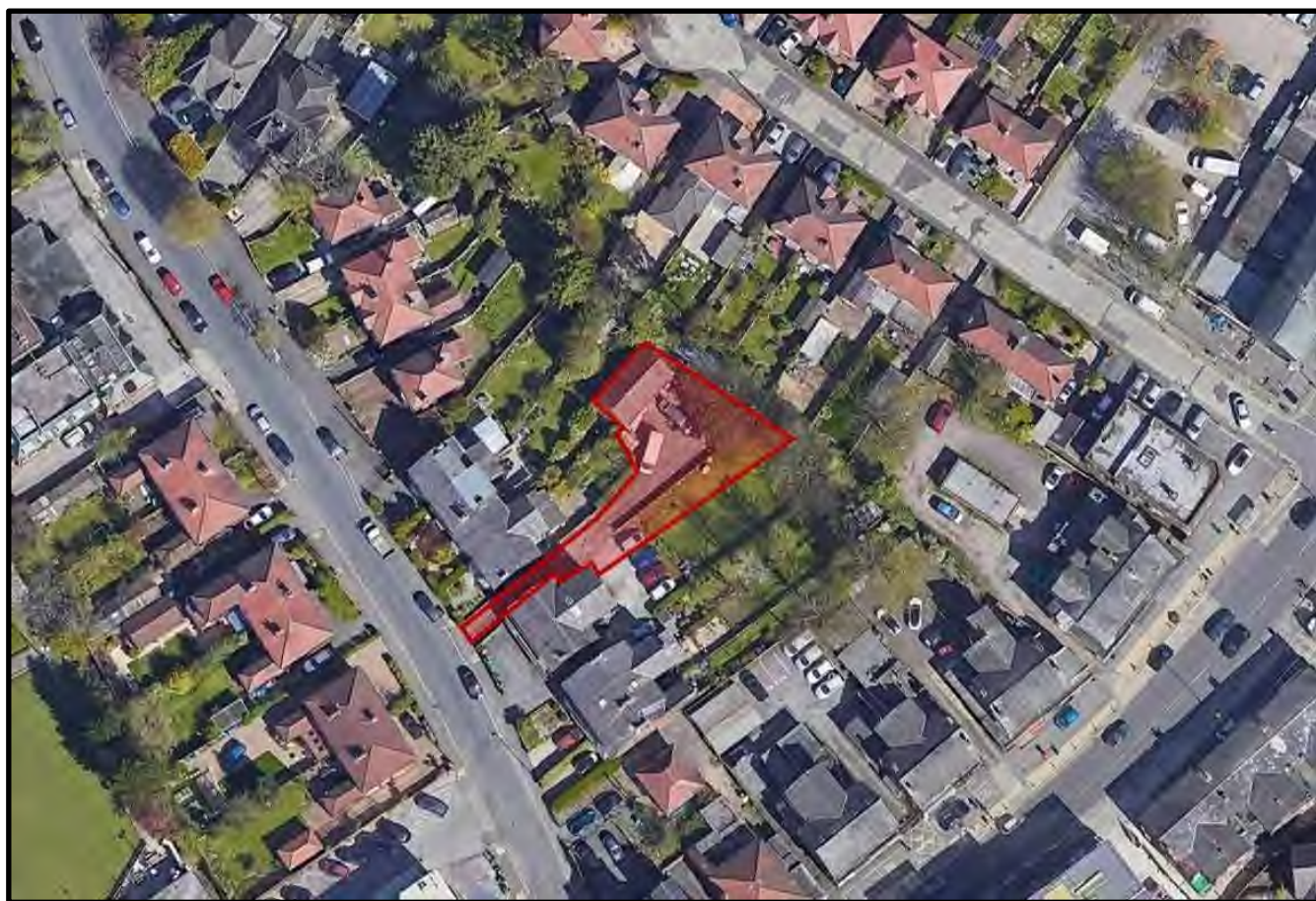
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application sites comprises of Darnell House (14a Kenworthy Lane) and half of the garden and parking facilities associated with nos. 10 and 12 Kenworthy Lane, a pair of two storey residential property in use as two flats each. Darnell House is a two storey office/workshop building located on a parcel of land situated between Kenworthy Lane and Heyridge Drive. The property is accessed via a communal driveway located between nos. 12 and 14 Kenworthy Lane and is adjoined by the rear gardens of the nearby dwellinghouses on three sides as can be seen below:



Kenworthy Lane lies to the north of Northenden District Centre, running off Palatine Road at the crossroads with Church Road.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to demolish Darnell House and erect a pair of two storey semi-detached houses on the site. Half of the communal garden area for nos. 10 and 12 Kenworthy Lane would be redeveloped to provide garden and parking facilities for both the proposed dwellings and nos. nos. 10 and 12 Kenworthy Lane. A total of four parking spaces are proposed, one each for the proposed and existing properties.

Consultations & Notification Responses

Local Residents – Ten letters of objection have been received, the comments are summarised below:

- The proposal will severely impact the privacy of people living along Kenworthy Lane. The proposed houses will directly overlook both the garden and the back of the dwellings on Kenworthy Lane.
- The proposed parking is also a cause for concern. There is already a one hour parking restrictions in front of the existing dwellings. The proposed parking bays will mean that the flats at number 12 will lose their allotted spaces which will put increased pressure on on-street parking.
- These proposed modern houses do not fit in with the area at all in addition to the impact on our privacy.
- In respect of the previous refusal (111738/OO/2016/S2) and subsequent appeal, the inspector noted: *“Allowing the appeal would therefore introduce a pair of 2-storey semi-detached houses facing directly towards the rear of nos. 14-16 Kenworthy Lane and 11-13 Heyridge Drive within very close proximity to the adjoining rear gardens. Although a combination of fences, hedges and outbuildings would limit views at ground floor level, from the first floor bedroom windows the proposal would give rise to direct overlooking of the adjoining gardens. At such close quarters the subsequent loss of privacy and sense of intrusion would be harmful to the existing occupants’ living conditions.”* It is still considered that the current proposal would have a negative impact on residential amenity.
- The proposal to have partly obscured glass serves as an admission that the applicant has been unable to produce a design that addresses the overlooking issue.
- Emergency services would have difficulty accessing the site.
- The proposal would bring with it additional noise from the coming and going of cars.
- The proposal represents overdevelopment of the site.

Highway Services – Have made the following comments:

- The site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of local bus services.
- It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.
- It is indicated within the application that on-site parking is being reduced from 6 to 4 spaces. This suggests that two spaces will be provided for the two new dwellings and that four on-site spaces will be lost for the adjacent property number 12. The overall loss of on-site parking coupled with an increase in the number of units gives rise to concern in an existing area of high demand for on-street parking.
- Confirmation that the parking bays are a minimum of 2.4 x 4.8m and that the electric vehicle charging units for each new dwelling will be a minimum of 7kW.
- It is assumed that waste will be collected by the local authority and collected from Kenworthy Lane. MCC guidance requires that a householder will not have to transport bins in excess of 30 metres from the storage area to the collection point and in this regard, we seek verification from the applicant that this is the case. In addition, we seek assurance that bins can be presented for collection so that they do not obstruct the adjacent footway.
- Pedestrian access arrangements are acceptable from a highway perspective.

Environmental Health – Suggests the imposition of conditions designed to protect amenity and prevent pollution.

Greater Manchester Police – Have made the following comments:

- The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors (please see www.designforsecurity.org/secured-by-design/ or www.securedbydesign.com for more information). Developments that are built to this standard are less likely to be susceptible to crime.
- All garden boundary treatments adjacent to publicly accessible land In particular the rear boundary should be 2100mm.
- It is recommended that the pedestrian/vehicular route/parking area is well illuminated to provide a deterrent to would be criminals; this would also improve surveillance of the area.
- *Dusk til Dawn* lighting should be installed on all external doors
- Any external bin store should be a secure, lockable and fire resistant enclosure.
- In summary, the application is supported subject to further consideration of the above matters.

United Utilities Water PLC – Suggests the imposition of a drainage condition.

Neighbourhood Team Leader (Arboriculture) – The proposed building layout does not encroach into the root protection zones of the offsite trees by more than 10% and therefore, if the developers work in accordance with BS:5837, the trees should not be negatively impacted by the proposals. The proposed landscaping does encroach into the root protection zone and therefore the developer must use hand dig methods only, to ensure the excavation works has minimal impact on the tree's health. The planting proposals for the site would be considered adequate.

Policies

The National Planning Policy Framework July 2021 (NPPF) – 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, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 5 (*Delivering a sufficient supply of homes*), is of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

National Design Guide (January 2021) – The NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide (NDG) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The relevant sections in relation to this proposal are as follows.

The NDG states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary (para 41). It states further, under paragraph 42 that well designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.

The NDG states in paragraph 50 that well-designed places, buildings and spaces have a positive and coherent identity that everyone can identify with, including residents and local communities; have a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users.

In paragraph 65 it states that well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context. The NDG states further in paragraph 66 that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context.

Paragraph 123 states that well-designed homes and buildings: provide good quality internal and external environments for their users, promoting health and well-being; relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods.

In paragraph 129, the NDG states that well designed buildings are carefully integrated with their surrounding external space. All private and shared external spaces including parking, are high quality, convenient and function well and amenity space should have a reasonable degree of privacy. It states further that external spaces are designed to respond to local character. Paragraph 130 states that well designed private spaces should be fit for purpose and incorporate planting wherever possible.

Core Strategy Development Plan Document – 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 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H7, Wythenshawe – The Council expects that Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

Policy DM1, *Development Management* – This policy 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:-

- 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 follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Issues

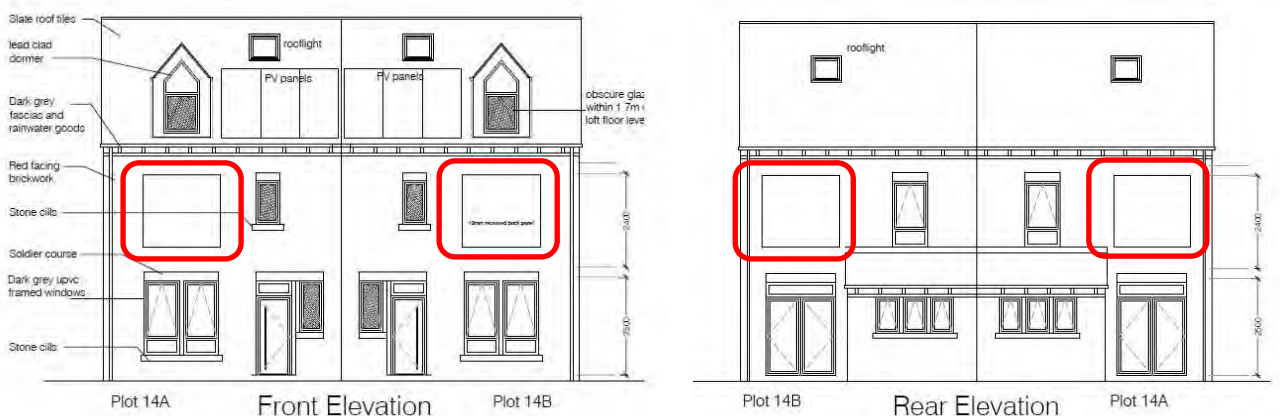
Principle of the Proposal – The site is located within a predominantly residential area and as such there is no objection to the site being redeveloped for residential purposes. However, given the constraints of the site it is not believed that multiple units could be accommodated on the site without having an unduly detrimental impact on the existing levels of amenity enjoyed by the residents of Kenworthy Lane. Given this, the principle of erecting two dwellings on the site is not considered acceptable.

Residential Amenity – It is noted that the first floor windows in the front elevation, which face the rear gardens of the dwellings on Kenworthy Lane, particularly no. 14 Kenworthy Lane, would be obscurely glazed, while the second floor windows would be obscured to a height of 1.7 metres. Nonetheless, as the proposal would be sited close to the rear garden boundary of no. 14 Kenworthy Lane, i.e. 2.8 metres away, it is considered that it would still have an overbearing impact on the occupants of that property and would detract from the enjoyment of their rear garden. Consequently, it is considered that the siting the proposal in the local proposed, would have a detrimental impact on the existing levels of residential amenity enjoyed by the occupants of no. 14 Kenworthy Lane.

The first floor windows in the rear elevation consist of a habitable room window in each of the dwellings. These windows would not be obscurely glazed and would be located approximately 4.2 to 5.5 metres away from the rear boundaries of the dwellings on Heyridge Drive, particularly nos. 9 and 11 Heyridge Road. It is considered that these windows would lead to a loss of privacy and sense of intrusion which would detract from the enjoyment of their respective rear gardens and have a detrimental impact on the existing levels of residential amenity.

The first floor habitable windows in the side elevation of plot 14b, would be located 3.5 metres away from the rear garden area on no. 10 Kenworthy Lane. It is considered that the close proximity of the development to this boundary would lead to a loss of privacy and sense of intrusion which would detract from the enjoyment of their rear garden and have a detrimental impact on the existing levels of residential amenity.

Design – The proposed dwellings are traditional in design as they would be brick built and topped by a pitched tiled roof. However, in an attempt to overcome previous concerns about overlooking, the habitable room windows in the front and rear elevations have been replaced with recessed brick panels, as annotated below:



This design solution would result in a proposal that would be out of character with the context within which it is located.

Siting – As described above, the siting of the pair of semi-detached dwellings in the location proposed, i.e. in close proximity to adjoining garden boundaries, would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of no. 14 Kenworthy Lane and nos. 9 and 11 Heyridge Road.

Car Parking – At present the concrete area to the rear of nos. 10 and 12 Kenworthy Lane is used as the car parking facilities for the residents of the four flats (one space per flat). This proposal would result in the loss of those facilities.

The applicant is proposing to provide four parking spaces – one for each of the proposed dwellings and one per nos. 10 and 12 Kenworthy Lane. This would result in a shortfall of two parking spaces. In all likelihood, the four proposed spaces would be occupied by the residents of the proposed development and the cars associated with the residents of nos. 10 and 12 Kenworthy Lane would be displaced onto Kenworthy Lane, a part of the highway network that is already subject to a high degree of on-street parking.

It is considered that the proposed parking arrangements for the proposed dwellings and nos. 10 and 12 Kenworthy Lane would be insufficient and the resultant displacement onto Kenworthy Lane would have a detrimental impact on the existing levels of pedestrian and highway safety enjoyed along that road.

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 against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. The applicant was advised that the provision of residential accommodation in this location would not be appropriate as it would have an unduly detrimental impact upon neighbouring residents and lead to additional on-street parking. As the nature of the proposal was considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reasons for recommendation to refuse

1) The proposed development, by reason of its design and siting would have an overbearing impact on the neighbouring properties and would as a result have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 10 and 14 Kenworthy Lane and nos. 9 and 11 Heyridge Road, contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

2) The proposed development, due to the inadequate number of parking spaces proposed and loss of existing parking spaces, would lead to an increase in on-street parking in an area that experiences a high demand for on-street parking spaces. This increase in on-street parking would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along Kenworthy Lane, contrary to Policy DM1 in the Manchester Core Strategy Development Plan Document.

3) The proposed development, due to its design, would be out of character with the context within which it is located. It would therefore be detrimental to existing levels of visual amenity enjoyed within the vicinity of the site and contrary to Policies SP1 and DM1 in the Manchester Core Strategy and guidance contained within the National Planning Policy Framework and National Design Guide.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Ecology Unit
Northenden Civic Society
United Utilities Water PLC
Neighbourhood Team Leader (Arboriculture)

7 Heyridge Drive, Manchester, M22 4HB
19 Heyridge Drive, Manchester, M22 4HB
17 Heyridge Drive, Manchester, M22 4HB
15 Heyridge Drive, Manchester, M22 4HB
13 Heyridge Drive, Manchester, M22 4HB
20 Kenworthy Lane, Manchester, M22 4EJ
4 Kenworthy Lane, Manchester, M22 4EJ
18 Kenworthy Lane, Manchester, M22 4EJ
16 Kenworthy Lane, Manchester, M22 4EJ
14 Kenworthy Lane, Manchester, M22 4EJ
5 Heyridge Drive, Manchester, M22 4HB
Top Floor, 12 Kenworthy Lane, Manchester, M22 4EJ
Ground Floor, 10 Kenworthy Lane, Manchester, M22 4EJ
11 Heyridge Drive, Manchester, M22 4HB
1 Kenworthy Lane, Manchester, M22 4FJ
10 Kenworthy Lane, Manchester, M22 4EJ
Flat 1B, 1 Kenworthy Lane, Manchester, M22 4FJ
Flat 1A, 1 Kenworthy Lane, Manchester, M22 4FJ
First Floor Flat, 10 Kenworthy Lane, Manchester, M22 4EJ
Ground Floor, 12 Kenworthy Lane, Manchester, M22 4EJ
9 Heyridge Drive, Manchester, M22 4HB
7 Kenworthy Lane, Manchester, M22 4FJ
5 Kenworthy Lane, Manchester, M22 4FJ
3 Kenworthy Lane, Manchester, M22 4FJ

8 Kenworthy Lane, Manchester, M22 4EJ
6 Kenworthy Lane, Manchester, M22 4EJ

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH

Appeal Decision

Site visit made on 27 March 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th April 2017

Appeal Ref: APP/B4215/W/16/3162029

14A Darnell House, Kenworthy Lane, Northenden, Manchester, M22 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bernard Cronshaw (Darnell Consultants Ltd) against the decision of Manchester City Council.
 - The application Ref 111738/OO/2016/S2, dated 31 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is an outline application for demolition of existing commercial office premises and provision of residential development of two new dwellings with access off Kenworthy Lane and with some other matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access, layout and scale for determination at this stage. I have therefore considered the appeal on the same basis, treating the appearance and landscaping as indicative.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of 14-18 Kenworthy Lane and 11-13 Heyridge Drive, having particular regard to privacy.

Reasons

4. Darnell House is a detached 2-storey office building situated behind 14-16 Kenworthy Lane. At present the principal elevation is almost perpendicular to the rear of nos.14-16, and there are no other windows on the remaining three sides of the building. Its layout, siting and design therefore minimises any overlooking of the adjoining gardens serving properties on Kenworthy Lane and Heyridge Drive, with only oblique views possible from first floor level.
 5. In contrast, the appeal proposal would be turned through roughly 90-degrees. The front elevation of the 2-storey semi-detached houses would be almost directly opposite the rear of 14-16 Kenworthy Lane. Based on the evidence provided by the Council they would also be approximately 5m away from the shared boundary. A similar relationship is proposed between the rear elevation of the new dwellings and nos. 11-13 Heyridge Drive.
-

6. Allowing the appeal would therefore introduce a pair of 2-storey semi-detached houses facing directly towards the rear of nos.14-16 Kenworthy Lane and 11-13 Heyridge Drive within very close proximity to the adjoining rear gardens. Although a combination of fences, hedges and outbuildings would limit views at ground floor level, from the first floor bedroom windows the proposal would give rise to direct overlooking of the adjoining gardens. At such close quarters the subsequent loss of privacy and sense of intrusion would be harmful to the existing occupant's living conditions.
7. It is appreciated that within a built-up urban environment there will inevitably be a degree of mutual overlooking, and that views of neighbouring properties are already possible from the existing office. Due to the position of outriggers at the rear of houses on Kenworthy Lane direct views of habitable room windows would also be limited. However, the relationship between the proposed pair of dwellings and the adjacent rear gardens would be materially different than the existing office. Situated within such close proximity to the site boundaries, and with their principal elevations turned through 90-degrees, potential future occupants would be able to look directly into the adjacent gardens from first floor level. The sense of intrusion would be especially harmful at the rear of nos.14 and 16 Kenworthy Lane which only have relatively small private outdoor areas.
8. Properties on Heyridge Drive to the north-east are estimated to be at least 27m away from the proposal and there are a number of intervening trees. Although this would limit the impact of the proposal, the trees do not occupy the full width of the appeal site and the proposed dwellings would only be approximately 2.5m away from the boundary in places. As a result, the combination of landscaping and single storey outbuildings would not be sufficient to adequately mitigate the harmful sense of intrusion from 2-storey residential development so close to the adjoining rear gardens. New planting would also take a significant period of time in order to reach a level where it would provide effective screening from first floor windows.
9. In reaching this view I am mindful that the application was submitted in outline with appearance and landscaping reserved for future consideration. The size and position of windows would therefore be a matter for the final design. However, there is nothing before me to demonstrate how the dwellings could avoid the use of windows in the front and rear elevations to serve first floor bedrooms. Given that the layout, siting and scale would be fixed, I am not convinced that an acceptable scheme could be advanced at the reserved matters stage that would prevent a harmful loss of privacy and still provide an adequate standard of living accommodation for potential future occupiers. Using opaque glazing on the stairwell would not restrict overlooking from the first floor bedroom windows.
10. I therefore conclude that by reason of its layout, siting, orientation and scale the proposal would result in a harmful loss of privacy in the rear gardens of 14-16 Kenworthy Lane and 11-13 Heyridge Drive to the detriment of the existing occupant's living conditions. As a result, it conflicts with Policy DM1 of *Manchester's Local Development Framework Core Strategy Development Plan Document* which states that all development should have regard to issues such as the effect on amenity, including privacy.

Other Matters

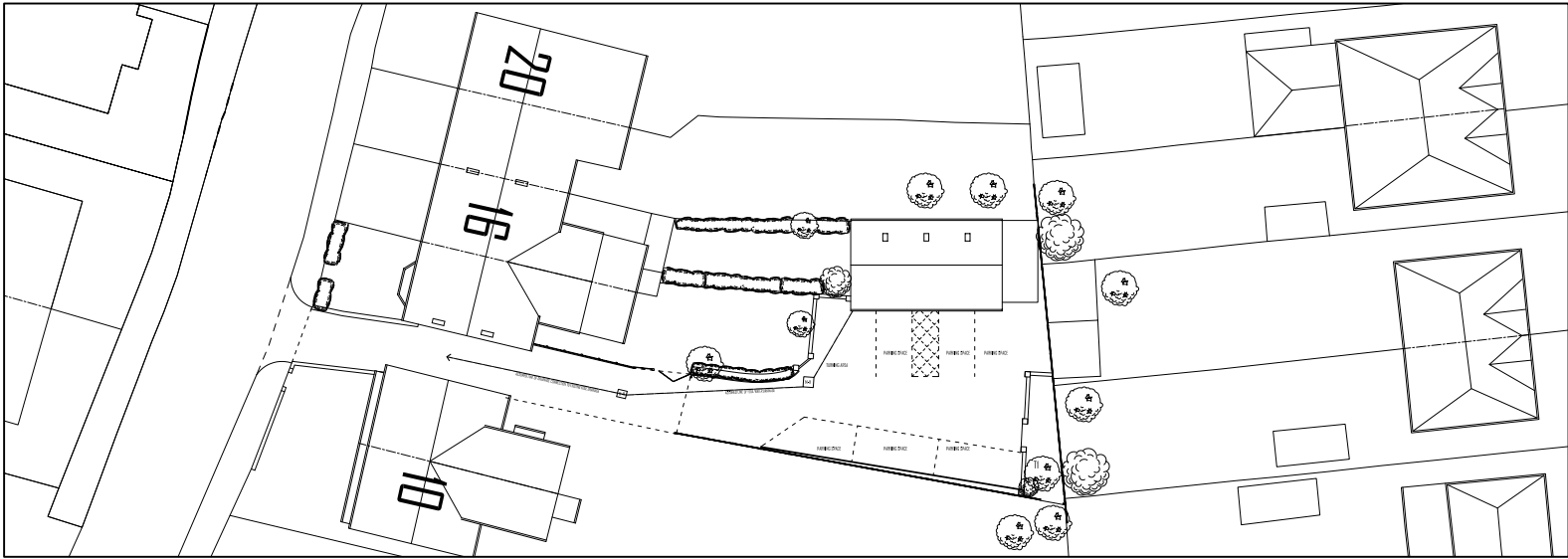
11. It has been suggested that the Planning Officer only raised concerns late in the process which did not leave any time to address the issues. However, whilst appreciating the appellant's frustrations, I am required to consider the proposal on its specific merits. I have therefore determined the appeal on that basis, and the Council's approach to considering the planning application does not justify granting planning permission given the harm that has been identified.

Conclusion

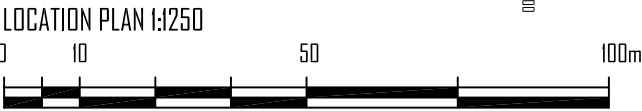
12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR



SITE PLAN AS EXISTING 1:500



LOCATION PLAN 1:1250

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BLOCK PLAN 1:500

NOTES

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All dimensions & details are to be verified on site prior to construction.

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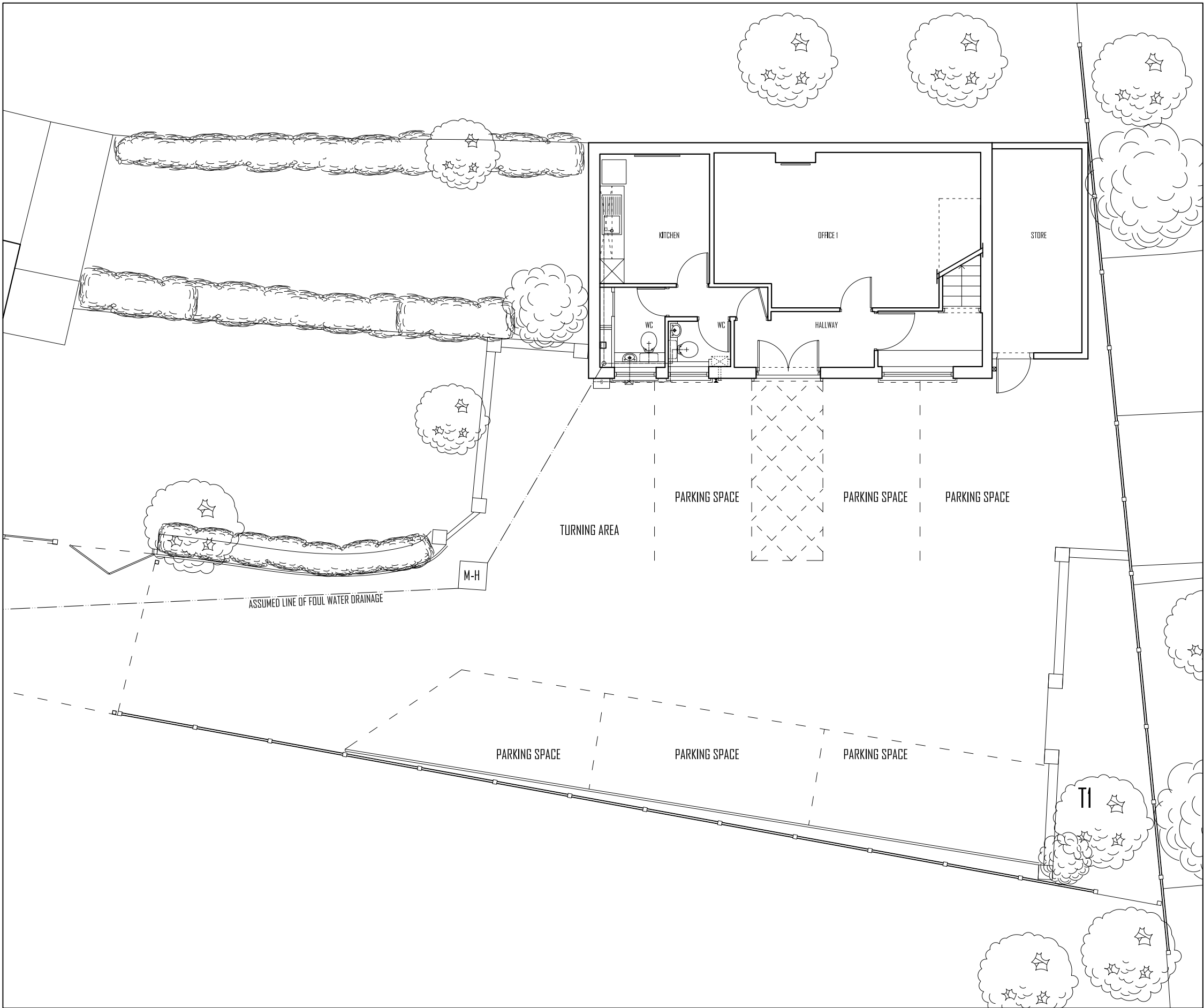
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D		
C		
B		
A	March 2016	Existing line of drainage indicated.
	DATE	

CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	SITE & LOCATION PLANS AS EXISTING		
DRAWING No :	2016/01-10:P001	REVISION :	A
REFERENCE :	2016/01-10	DATE :	01/2016
SCALE :	AS INDICATED	PAPER :	A3
		CHECK:	

KT:architectural
design & drawing services

Keri Tomkow (Barch.) : 0161 9431479 : 07740825477
1127 Hyde Road : Gorton : Manchester : M18 7LN
email - ktarchitectural@hotmail.co.uk



GROUND FLOOR PLAN AS EXISTING 1:100



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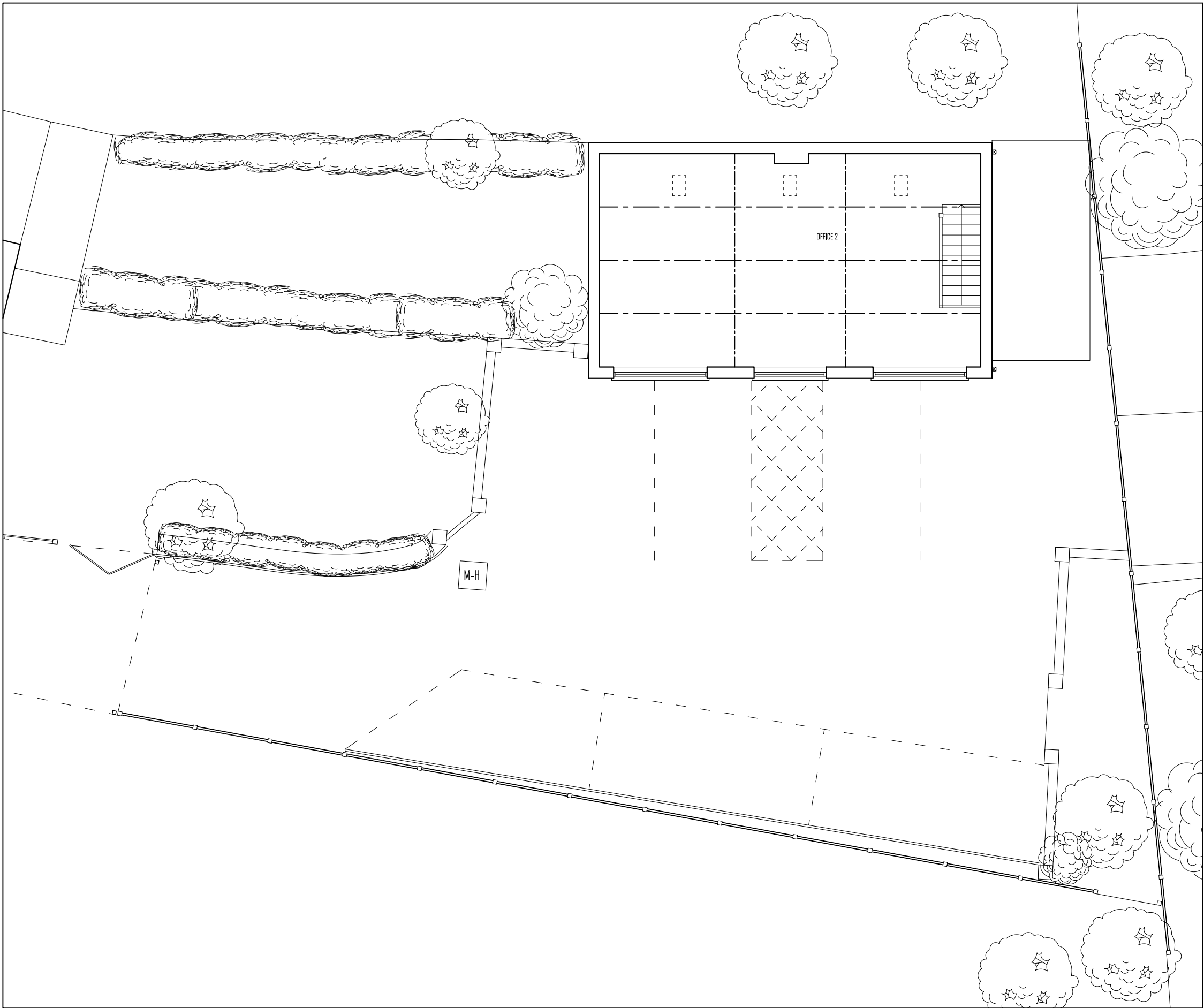
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D		
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A	March 2016	Existing line of drainage indicated.
	DATE	

CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	PLANS AS EXISTING		
DRAWING No :	2016/01-10:P002	REVISION : A	
REFERENCE :	2016/01-10	DATE :	01/2016
SCALE :	AS INDICATED	PAPER :	A3
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email - ktarchitectural@hotmail.co.uk



FIRST FLOOR PLAN AS EXISTING 1:100



NOTES

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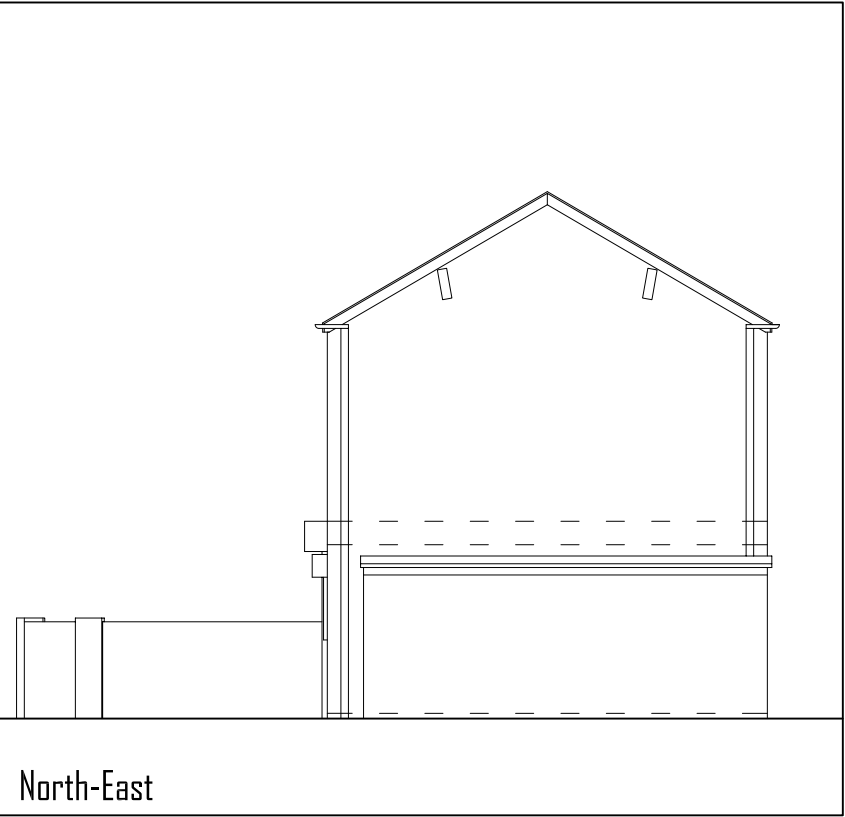
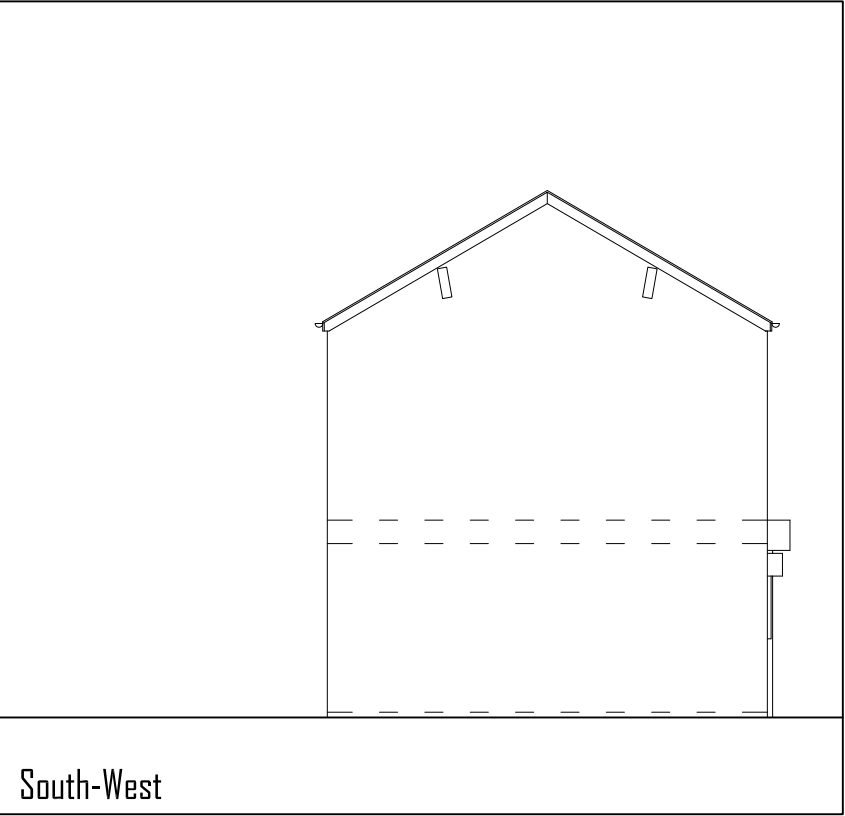
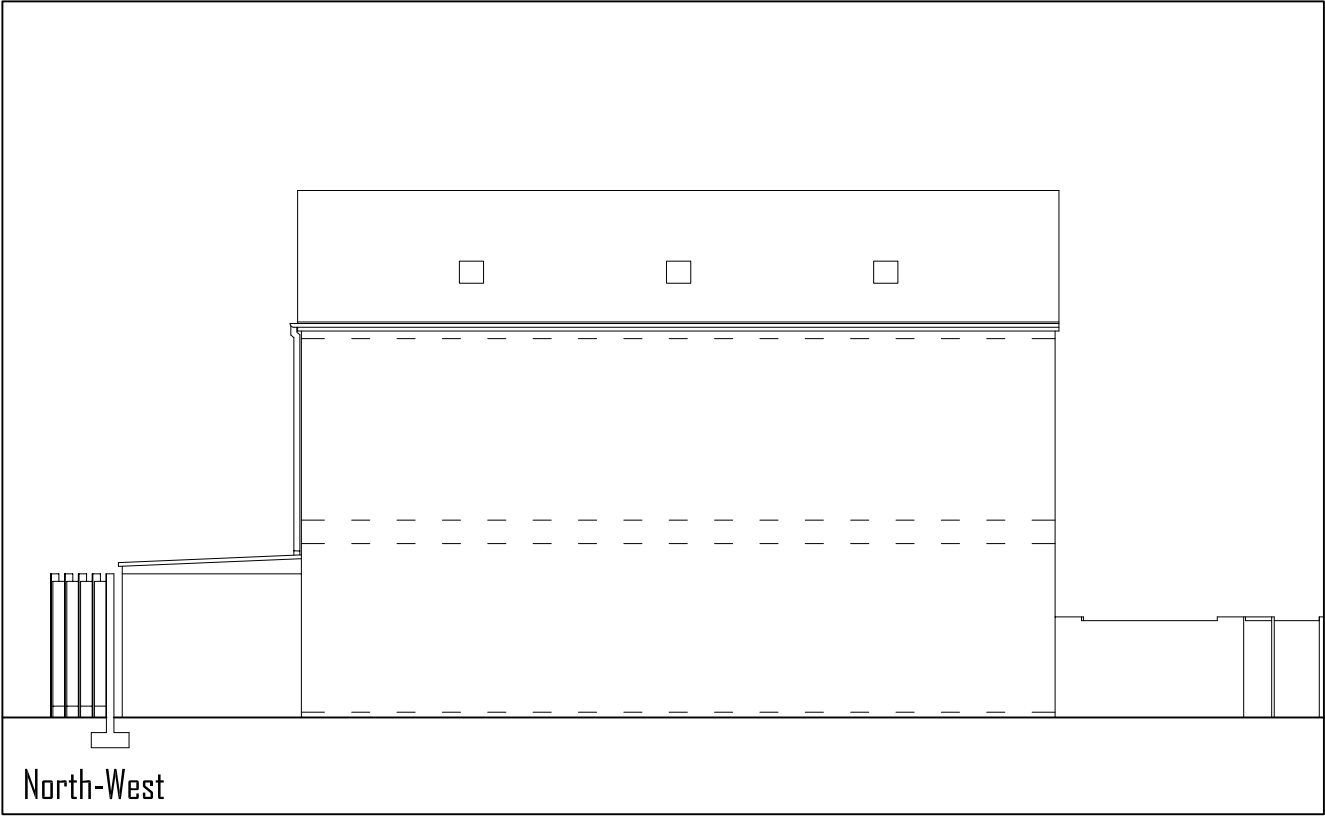
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CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	PLANS AS EXISTING		
DRAWING No :	2016/01-10:P003	REVISION :	
REFERENCE :	2016/01-10	DATE :	01/2016
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ELEVATIONS AS EXISTING 1:100



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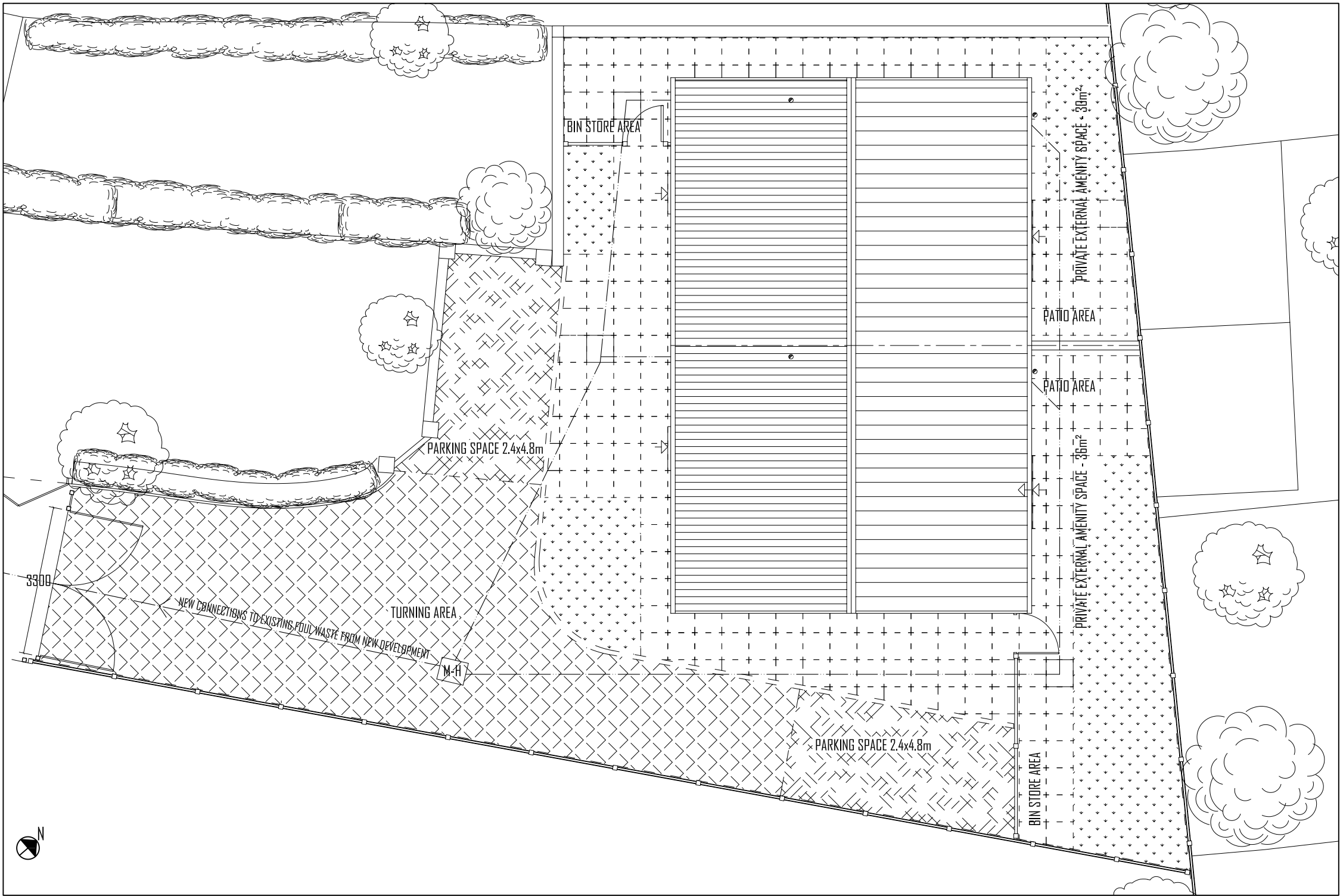
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CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	ELEVATIONS AS EXISTING		
DRAWING No :	2016/01-10:P004	REVISION :	
REFERENCE :	2016/01-10	DATE :	01/2016
SCALE :	AS INDICATED	PAPER :	A3
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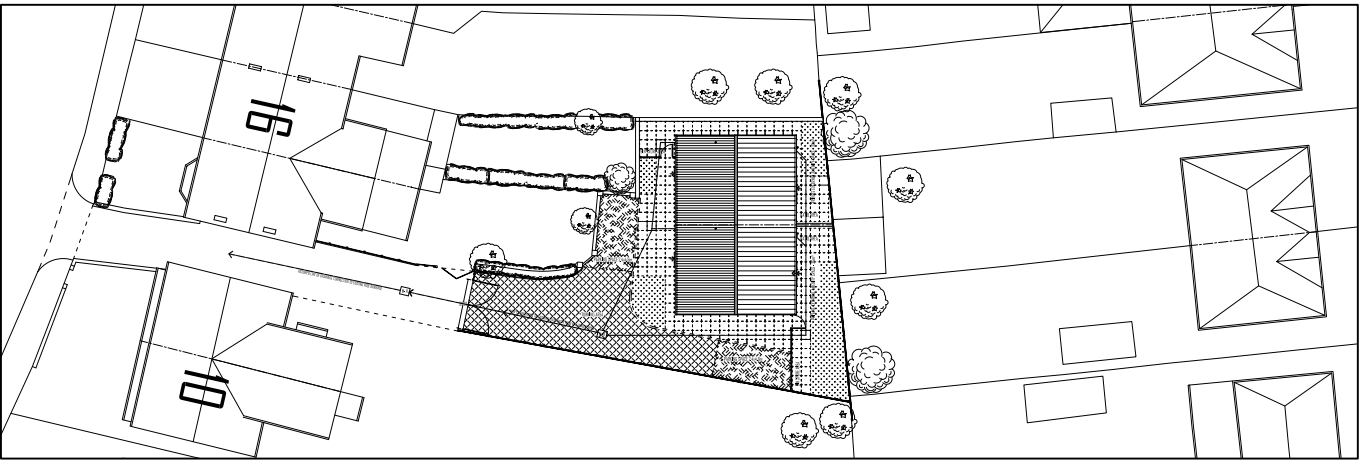


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SITE PLAN AS PROPOSED 1:100

BLOCK PLAN AS PROPOSED 1:500



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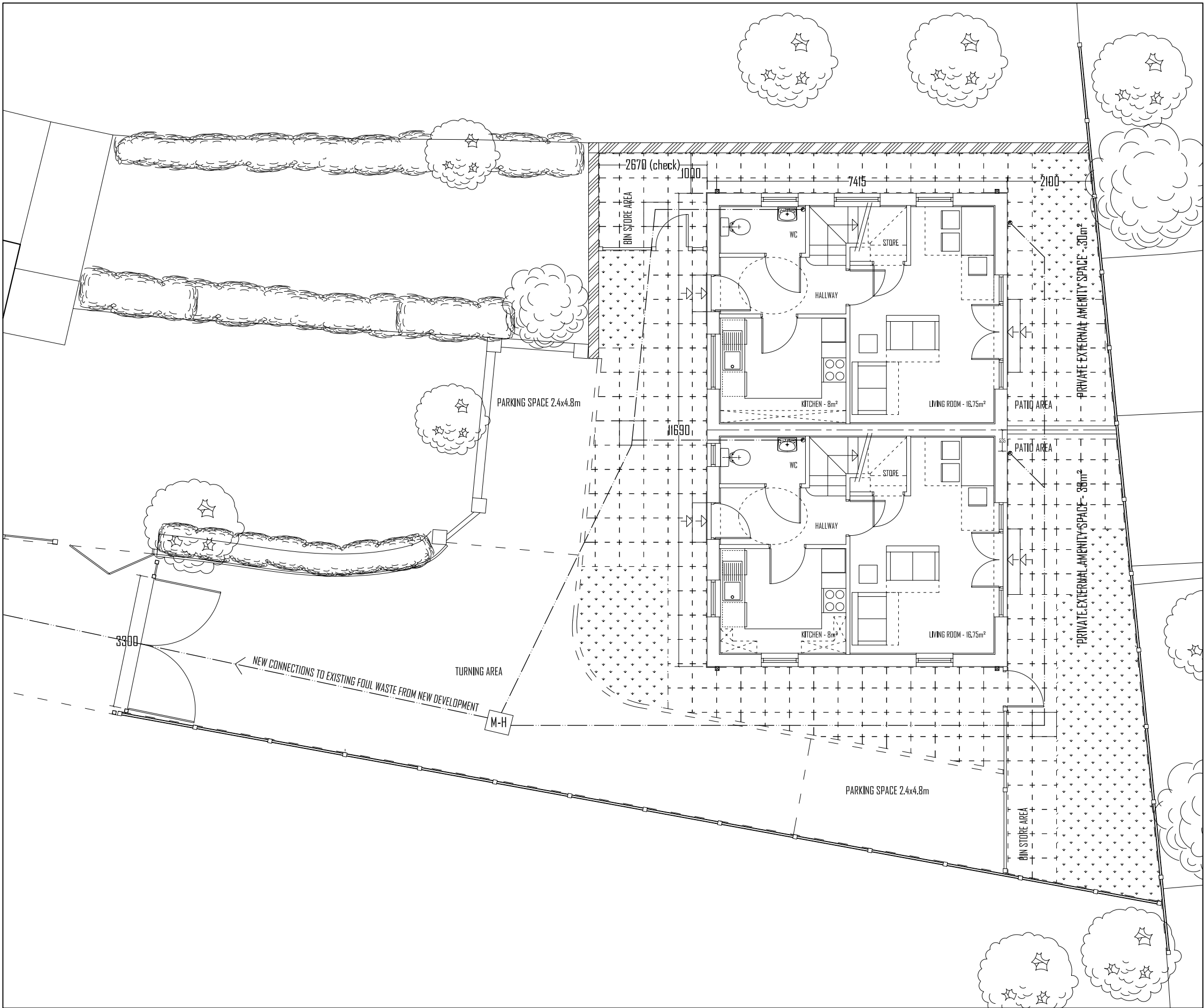
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A	March 2016	Existing line of drainage indicated.
	DATE	

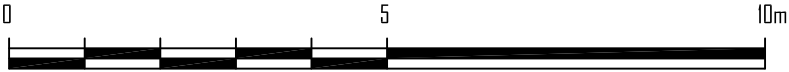
CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	PLANS AS PROPOSED		
DRAWING No :	2016/01-10:PD05	REVISION : A	
REFERENCE :	2016/01-10	DATE :	02/2016
SCALE :	AS INDICATED	PAPER :	A3
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GROUND FLOOR PLAN AS PROPOSED 1:100



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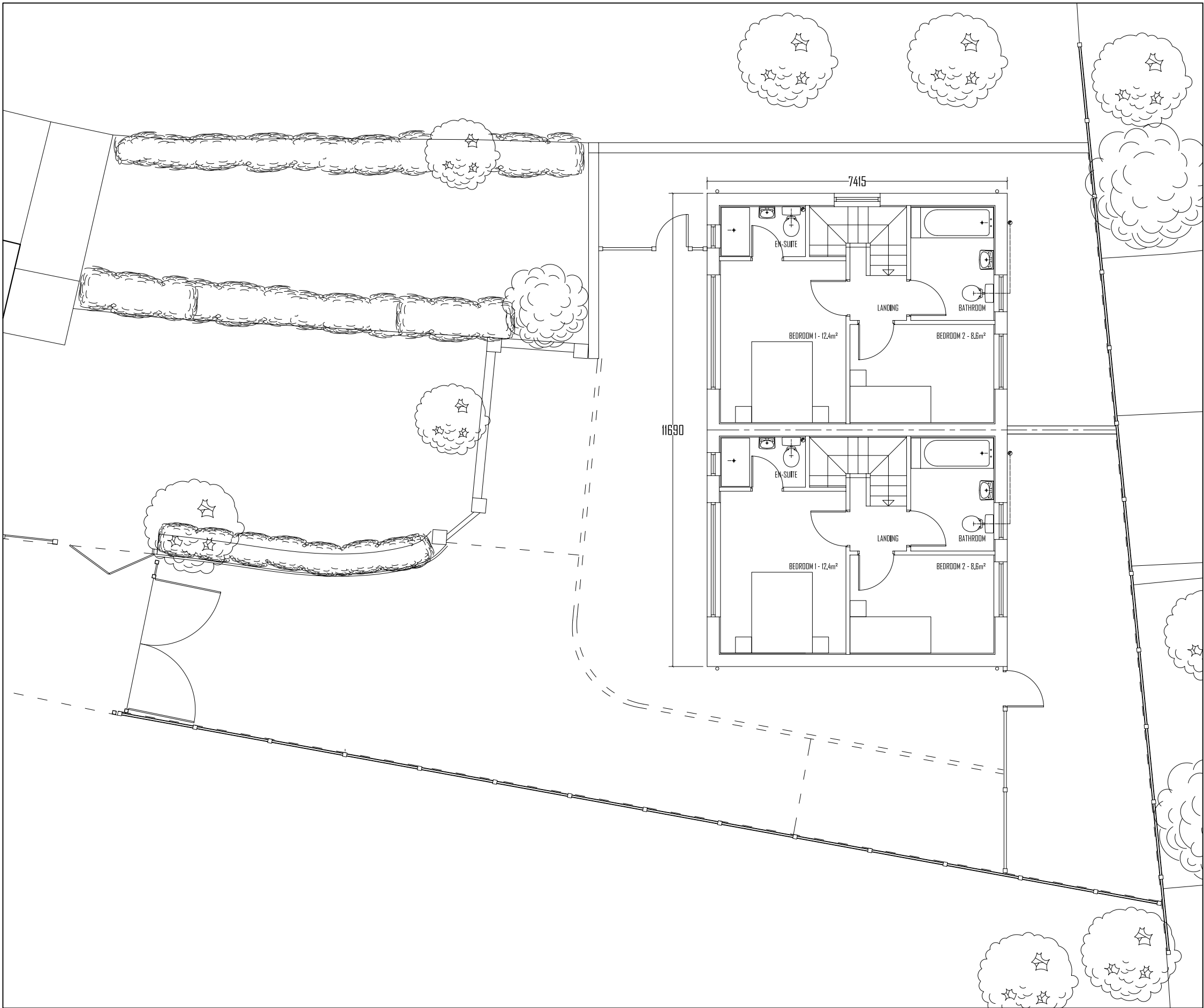
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A	March 2016	Proposed line of drainage indicated.
	DATE	

CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	PLANS AS PROPOSED		
DRAWING No :	2016/01-10:PD06	REVISION : A	
REFERENCE :	2016/01-10	DATE :	02/2016
SCALE :	AS INDICATED	PAPER :	A3
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FIRST FLOOR PLAN AS PROPOSED 1:100



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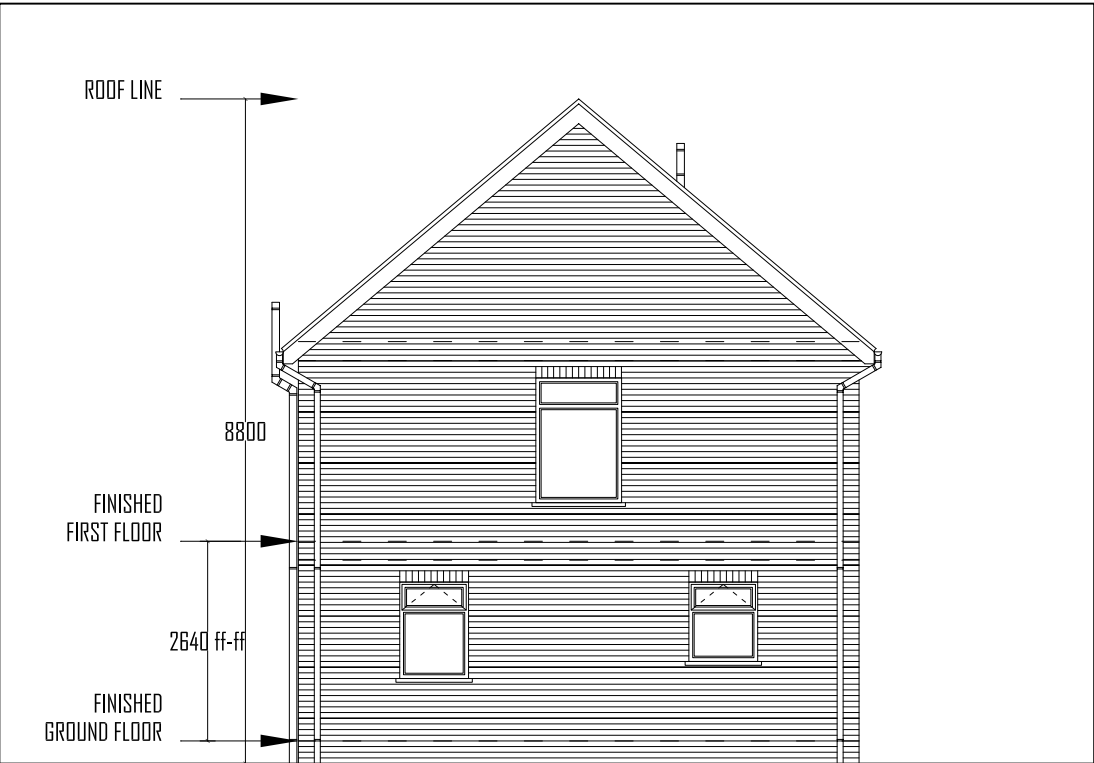
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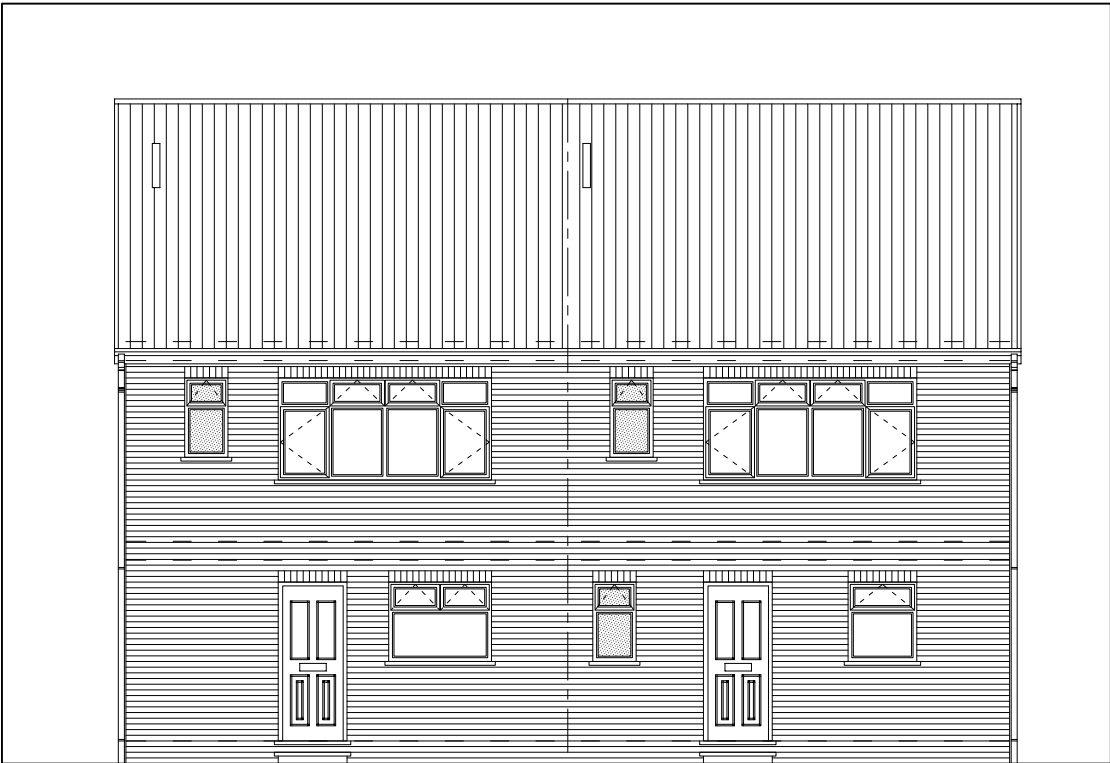
CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	PLANS AS PROPOSED		
DRAWING No :	2016/01-10:P007	REVISION :	
REFERENCE :	2016/01-10	DATE :	02/2016
SCALE :	AS INDICATED	PAPER :	A3
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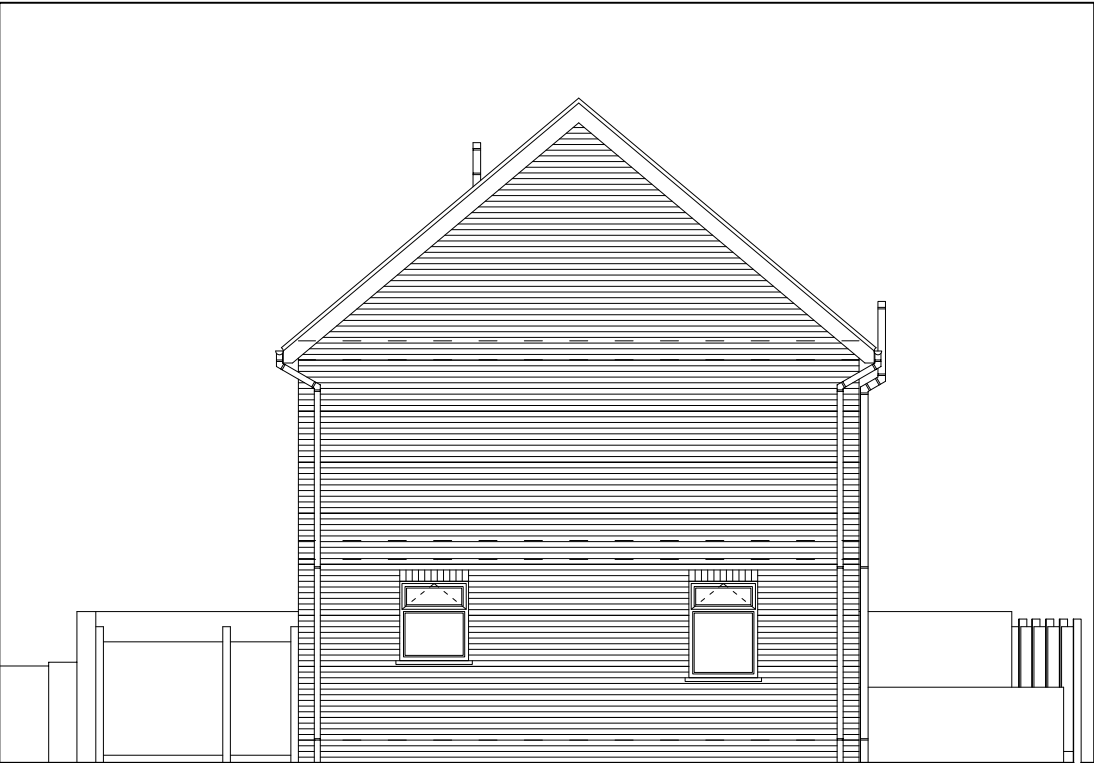
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North-West



South-West

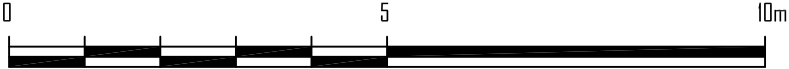


South-East



North-East

ELEVATIONS AS PROPOSED 1:100



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A	March 2016	Minor amendment.
	DATE	

CLIENT :	Mr Bernard Cronshaw, Darnell Consultants		
PROPOSAL :	Provision of new dwellings		
LOCATION :	Darnell House, 14a Kenworthy Lane Manchester M22 4EJ		
DRAWING TITLE :	ELEVATIONS AS PROPOSED		
DRAWING No :	2016/01-10:P008	REVISION : A	
REFERENCE :	2016/01-10	DATE :	02/2016
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email - ktarchitectural@hotmail.co.uk

Project:	100 to A1, 200 to A3
14A/14B Kenworthy Lane, Northenden	
Title:	
Proposed Parking Plan	
Drawing number:	01_11_2022
Issue:	CAD Ref: PL100
Client:	Drawn by: SRM
	Drawn by: SRM
	Drawn by: SRM
	Drawn by: SRM

