

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

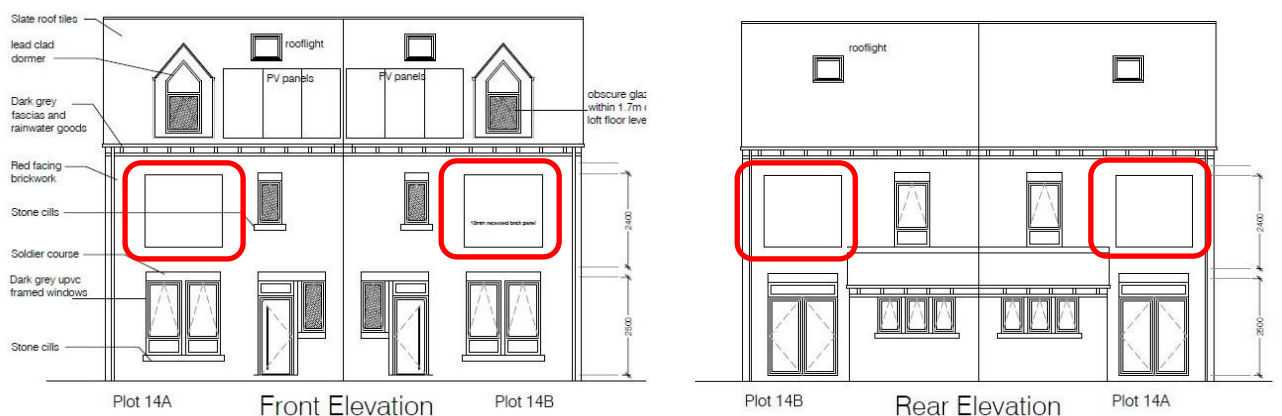
Principle of the Proposal – The site is located within a predominantly residential area and as such there is no objection to the site being redeveloped for residential purposes. However, given the constraints of the site it is not believed that multiple units could be accommodated on the site without 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