

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133023/FH/2022
Date registered valid: 23 February 2022
Proposal: Erection of a single storey outbuilding in rear garden
Address: 32 Woodpecker Road, Manchester, M21 7JT
Ward(s): Chorlton Park Ward

Applicant: Zahra Jabir, 32 Woodpecker Road, Manchester, M21 7JT
Agent (if any):
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 21st June 2022



Application details

Type of application:	Full Householder Application
Development type:	Householder
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	Printed: 1 March 2022 Expired: 22 March 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

This site relates to a new build 2 storey end semi detached property located within the Chorlton Park ward area of Manchester. The property benefits from amenity space to the front, side and rear with off road car parking space.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in nature

Description of development

Erection of a single storey outbuilding in rear garden

Consultations & Notification Responses

Local residents, as per Appendix 1 – No comments have been received in respect of this application.

Flood Risk - On the basis that it is thought that the below ground soakaway has a 1m cover and is directly below the proposed outbuilding I would object to the proposed plans. A 1m cover is relatively shallow, therefore the proposed outbuilding could potentially impact on the structural

integrity of the soakaway resulting in adverse impacts to the surrounding area. Alternatively, as the associated drawings are inconsistent, where one drawing illustrates the soakaway to not be beneath the proposed building outline (in contrast to the other drawings), the applicant could carry out controlled investigation works/surveys to identify the exact location of the soakaway. However, that being said we would still encourage that no buildings are built within a 5m easement of the soakaway in accordance with building Regulations Document H and as the plot gardens are circa 7m wide I would still hold reservations regarding the proposed development.

Policy and Issues

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management
- o The National Planning Policy Framework (NPPF)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

Principle

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

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

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

History

There have been no previous planning application relating to this site, however, the site forms part of the new estate built under the following planning application:

Planning reference number 104437/FO/2013/S1 for the erection of 97, two-storey, two, three and four-bed houses with car parking, landscaping and boundary treatment works and including an electricity substation.

One of the conditions attached which is relevant to the current planning application is as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In order to safeguard areas of soakaways and surface water drainage, pursuant to Policy DM1 and EN14 of the Core Strategy

Residential Amenity

The applicant is seeking planning permission for the erection of a of a single storey outbuilding in rear garden. During the application stage the applicant was given the option of withdrawing the scheme with a view to carrying out a survey before a resubmission or allowing a decision to be made on the current submission. No response was received and therefore the City Council have made a decision based on the current application.

The applicant proposes a single storey timber outbuilding which would be located south east of the site to the far end of the rear garden along the rear boundary of no. 175 Darley Avenue. The outbuilding would measure 4.5 metres x 3.0 metres to a height of 2.5 metres maximum. The roof would be flat with the inclusion of a small overhang measuring 0.50 metres. French doors and a high level window are proposed on the front elevation facing the garden with a window on the elevation facing the street.

The siting of the outbuilding raises concerns with regards to the soakaway beneath the proposed building. The City Council would require the exact location of the soakaway, however, would still encourage that no buildings are built within a 5m easement of the soakaway in accordance with building Regulations Document H and as the plot gardens are circa 7m wide would still hold reservations regarding the proposed development.

It is considered that the proposed outbuilding would give rise to loss of residential amenity that surrounding properties could expect to enjoy, and therefore does not accord with policies SP1 and DM1 of the Manchester Core Strategy Development Plan and saved Unitary Development Plan policy DC1 and the guidance contained within the National Planning Policy Framework

Siting, scale and massing

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

Design

The design of the proposal is considered unacceptable with the existing and surrounding properties in the area and therefore does not accord with Core Strategy Policies DM1 and EN1 and in general the design is considered unacceptable.

Flood Risk

As part of planning application 104437/FO/2013/S1 to build the property, permitted development rights were removed for the erection of outbuildings and extensions in order to safeguard areas of soakaways and surface water drainage. Manchester City Council are not satisfied that there are sufficient measures in place to ensure proper drainage is not affected by the erection of an outbuilding on the rear of the site.

Refuse Storage

The proposed development does not impact on the refuse storage arrangements for the property.

Parking

The existing car parking arrangements are unaffected by this proposal.

Conclusion

It is considered that the proposal would provide an unacceptable impact upon the occupiers of the adjoining properties and the character of the area and therefore does not comply with Council saved policies DC1 of the Unitary Development Plan and policies DM1, SP1 and EN1 of the Core Strategy

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The applicant has failed to provide sufficient details to fully assess all the potential impacts of the proposal to the neighbouring properties. The proposed development is therefore contrary to the provisions of saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document (2012).

Appendix 1 – List of consultees & neighbours notified

173D Darley Avenue, Manchester, M21 7JG
175 Darley Avenue, Manchester, M21 7JG
175B Darley Avenue, Manchester, M21 7JG
175A Darley Avenue, Manchester, M21 7JG
30 Woodpecker Road, Manchester, M21 7JT
4 Woodpecker Road, Manchester, M21 7JT
2 Woodpecker Road, Manchester, M21 7JT

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
Area Team Boundary - Name: SOUTH