

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133334/FO/2022

Date registered valid: 27 April 2022

Proposal: Erection of a dwellinghouse (Use Class C3a) to the rear of 40 Hilldale Avenue with associated car parking together and change in site levels together with modifications to access, boundary treatment and creation of hardstanding for car parking associated with 40 Hilldale Avenue following demolition of existing garage

Address: Land To The Rear Of 40 Hilldale Avenue, Manchester, M9 6PP

Ward(s): Higher Blackley Ward

Applicant: Mr Faisal Mahmood, Bridgeman Court, Salop Street, Bolton, BD2 1DZ

Agent (if any): Mr Michael Ainsworth, MADP, 11 Woodvale Crescent, Bingley, Keighley, BD16 4AJ

Case officer: Janine Renshaw-Livesey
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Recommendation: Refuse

Date of recommendation: 21 June 2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 4 May 2022 Expired: 25 May 2022

Neighbour notifications

Printed: 4 May 2022 Expired: 25 May 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

This application relates to a reasonable size plot of land to the south side of Hilldale Avenue. The site is a rectangular garden which belongs to 40 Hilldale Avenue, a single storey detached dwelling that sits on the bend in the road.

Description of area

The area is predominantly residential in nature and the application site is situated within the side/rear garden of a bungalow within the Blackley ward of Manchester. The bungalow lies next to a row of semidetached properties which collectively form a strong visual presence of forward-facing dwelling houses.

Description of development

The proposal includes the erection of a two-storey residential building comprising of three bedrooms at lower ground and open plan living space at first floor level. No windows are proposed on the gables. The front elevation of the proposed dwelling comprises of large windows at lower ground and first floor level including the installation of a glass balcony facing south. The proposal also includes the demolition of an existing garage of 40 Hilldale Avenue, and a boundary wall would be erected facing Hilldale Avenue where off street parking and bin storage would be provided for both properties. The topography of the site is as such, substantial modification of the site in terms of creating terracing is required to implement the proposal. Currently the site from Hilldale Avenue slopes steeply toward the rear gardens situated on Rochdale Road and Coulsden Drive.

Consultations & Notification Responses

Local residents were consulted, and two objection letters were received raising concern that the proposal would give rise to overlooking a be overbearing due to the proximately to surrounding properties and the site is not suited for development due to its size and topography. Furthermore, concerns were raised in relation to the dangerous impact any building works would have on already unstable land.

Ten letters of support were received, stating the proposal was a good use of garden space and the development would provide additional housing.

The Highways team were consulted and raised no objections to the proposal subject to electric charging points, cycle shelters and construction management plan conditions be attached to the consent.

Environmental Health were consulted and recommend a scheme for electric vehicle charging points and boiler emissions in relation to air quality be conditioned to the consent should it be supported.

The Ecology Unit commented, potential ecological issues include bats, nesting birds and invasive species could be at the site. However, all risks are low enough that they can be dealt with via condition and or informative should the proposal be supported.

The Tree Section made no representation.

The Flood Team recommended a surface water drainage condition.

United Utilities were consulted and requested a suitable drainage condition to attached to the consent should the proposal be supported.

Greater Manchester Police were consulted and recommend security measure be implemented as part of the scheme.

Issues

POLICIES

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- o An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

o A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

o An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

c) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

d) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; 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.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, 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.

Chapter 8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Chapter 12. Achieving well-designed places

124. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (ADOPTED 11 JULY 2012)

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including: -

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Protect and enhance the built and natural environment

Policy DM 1 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 and 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.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Policy H 1 Overall Housing Provision

States that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City

Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- o Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area
- o Be designed to give privacy to both its residents and neighbours.

Policy EN1 'Design principles and strategic character areas' states that all development in Manchester will be expected to follow the seven principles of urban design. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. Proposals for new development must clearly detail how the proposed development addresses the design principle, reinforces and enhances the local character of that part of the city and supports the achievement of the Core Strategic objectives.

CITY COUNCILS GUIDE TO DEVELOPMENT IN MANCHESTER 2: Supplementary Planning Document and Planning Guidance Adopted April 2007. The Guide aims to support and enhance the ongoing shaping of the city by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester. Part 1 of the Supplementary Planning Document, Chapter 2 Design, Character and Context: A place with its own identity, paragraph 2.3 states the following.

2.3 'A high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Different parts of the city, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area. This should be demonstrated in planning submissions by way of design statements and where appropriate, visual means such as models and photomontages.

Saved UDP Policies

Policy DC6 - Housing on "backland" sites states: 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.
 - f. the proposed and existing dwellings retain adequate levels of private amenity space; and
- Reasons: Some pieces of land with apparent development potential are surrounded by existing buildings (usually houses), and only have very limited access to a road. Experience shows that these sites are often very difficult to develop in a way which avoids a serious impact on neighbouring residents. All the tests set out in the policy would be applied before planning

permission could be considered

Although this is a residential area, the proposals for residential accommodation would generally be considered acceptable in principle, this site is not necessarily an obvious development site, as it comprises of the garden area of a residential property.

Saved policy DC26 (Noise) of the UDP states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

Issues

Principle

It is maintained that the proposed development represents a fundamental departure from policy. Namely, saved policy DC6.1 of the UDP which states that 'backland' development will not normally be permitted.

The proposed dwellinghouse does not front a road and the site has limited access. The siting of the buildings to the rear of an existing bungalow would also appear at odds with the pattern of development found in the immediate area and conflict with the suburban grain found along this section of road.

The implications of the proposal, notably the impact upon visual amenity as a consequence of the 'backland' position is explored in more detail below

'Backland Development and Impact upon the Character of the Area and Visual Amenity'

The principal policy that underpins the reason for refusal relates to saved policy DC6.2 of the Unitary Development Plan.

The policy is quite clear in that 'backland' development is not supported where the scale and design of development is incompatible with the character and of the surrounding area.

Policies DM1 and SP1 seek further to protect the character of areas, in order create neighbourhoods of choice, whilst policy H1 seeks to promote housing provision where design and density contribute to the character of the local area.

The policy is supported by supplementary planning guidance in the form of the 'Guide to Development in Manchester (SPD) and design guidance contained within the National Planning Policy Framework (NPPF).

In this case, the proposed dwelling house would take the form of a 'backland' with the proposed dwelling accessed of a new stepped access which effectively involves an extension of the existing driveway to the side of 40 Hilldale Avenue and loss of side garden area.

This section of Hilldale Avenue is characterised and defined by spacious plots, rear gardens and properties that address the main road frontage and strong front building line. There is no evidence in the immediate area of infilling having taken place.

The proposal layout would be out of keeping with the character and pattern of development in the local area and would be further accentuated by the off road parking and waste storage areas which would dominate the frontage, to the detriment of visual amenity.

The consumption of the rear garden areas would fail to make a positive contribution to the character of the area and would seriously undermine the urban grain and rhythm not only due to the infilling of the rear garden areas, but also the loss of side garden. Consequently, the proposed dwellings would not be well related to existing dwellings or the pattern of development in the locality.

Residential Amenity

Policy DM1 of the Core Strategy states that regard should be had to the amenity of residents in considering development proposals.

Policy SP1 similarly seeks to protect amenity and the well-being of residents, as well as supporting neighbourhoods of choice.

Policy H1 further states that new development should contribute to the design principles of Manchester's Local Development Framework, including in environmental terms.

Design guidance is provided with both the Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF). Emphasis is notably placed on high quality design, the sympathetic and appropriate siting of new development and the need for a high standard of amenity.

Design guidance is provided with both the Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF). Emphasis is notably placed on high quality design, the sympathetic and appropriate siting of new development and the need for a high standard of amenity. The proposed development dwelling house is situated a few metres away from the rear of the existing property at 1277, 1275, 1273 and 1271 Rochdale Road and 34 Coulsden Drive from the common boundary with the neighbouring property at 38 Hilldale Avenue.

Whilst it is acknowledged that the proposed dwelling house has been designed to minimise any overlooking issues by omitting side windows, the harmful impact would arise from the two-storey scale of the proposed building and its proximity and relationship to these properties. Due to the siting of the proposed dwelling house so close to the boundary of the neighbouring properties.

The proposed dwelling house would be situated approximately 9m away from the rear elevation of 40 Hilldale Avenue and approximately 4m from the rear gardens of the properties that flank the site along Rochdale Road. The common boundary between the proposed front elevation including the first-floor boundary and the rear garden of no 34 Coulsden Drive measures 4m.

The close proximity of the proposed new build to the rear facing windows of these properties, coupled distance from the common boundaries would result in the proposed building having an overbearing and over-dominant impact. This in turn would be harmful to the living conditions, by reduced outlook.

The infilling of the garden area and the introduction of built form of the scale and position proposed, would undoubtedly create an intrusive and overbearing feature. Notably, due to the large expanse of brickwork to the side facing elevation, the interface distance between the existing properties and proposed building and the perception of being overlooked due to the proximal relationship.

As advocated by the policy and guidance outlined, new development should be sympathetic to the local context, make a positive contribution to the quality and character of the area, respect the place in which it is located and consider the effects upon amenity, with regard to the well-being of existing residents.

It is believed that the proposed development would fail to accord with such objectives and as a consequence, would have a harmful and negative impact to the living conditions of neighbouring occupiers due to the oppressive relationship that would be afforded. On this basis, the proposed development is considered unacceptable.

The resultant structure would have a detrimental impact on visual amenity of properties within the vicinity of the site, and on the character of the area within which the property would be located.

Saved policy DC26 (Noise) of the UDP states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. It is considered that due to the close proximity of the development to the neighbouring properties the noise from comings and goings associated with dwelling house within an area that has previously been a garden area would have an unacceptable impact on the amenity for the occupiers of the surrounding properties and therefore is considered to be unacceptable and contrary to DC26.

Whilst it is acknowledged that the proposal would provide a unit of residential accommodation in a sustainable location to add to the housing land supply, however, the benefit of one additional unit is limited and as such this does not outweigh the identified harm to the character and appearance of the area and to the impact upon the residential amenity of existing and future occupiers.

Conclusion

It is acknowledged that the NPPF seeks to boost the supply of housing and requires that housing applications be considered in the context of the presumption in favour of sustainable

development. The proposed scheme is however considered to have an unsatisfactory relationship with adjoining properties in terms of visual and residential amenity and there are concerns about whether the site can comfortably accommodate a dwelling house. It is considered that the lack of space between the proposed and its boundaries mean that it would appear cramped on the plot and at odds with the current spacious setting and the harm arising from the development would significantly and demonstrably outweigh the benefit of the provision of additional residential accommodation. This is underlined by the fact the proposed development, by reason of its design and siting, would be out of character with the historic pattern of development in the area and result back land development. It would therefore be detrimental to existing levels of visual amenity enjoyed on Hilddale Avenue, Rochdale Road and Coulsden Drive and contrary to Policies SP1 and DM1 in the Manchester Core Strategy, the National Planning Policy Framework and National Design Guide.

Human Rights Act 1998 considerations

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

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

Recommendation:

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document, the Manchester Residential Quality Guidance and the guidance contained within the National Planning Policy Framework and National Design Guide. The applicant was advised that the provision of residential accommodation in this location would not be appropriate due to it being out of character with the pattern of development and its detrimental impact upon residential amenity of existing and proposed occupants. As the nature of the proposal was considered to be unacceptable and following the assessment of revised plans unfortunately a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposed development by reason of its location to the rear of an existing dwelling houses and without its own road frontage constitutes 'backland' development. Due to the siting of the proposed building and its relationship with adjoining properties there would be a loss of amenity to neighbouring occupiers as consequence of increased levels of activity, associated

noise and disturbance, intrusiveness and loss of privacy. The proposal would therefore be harmful to surrounding residential amenity. As such, the proposed development is contrary to saved policies DC6.1, DC6.2 and DC1.1 of the Unitary Development Plan for the City of Manchester and policies DM1, EN1 and SP1 of the Manchester Core Strategy.

2) Having regard to the relationship of the proposed development with the surrounding properties in the area, the proposed development, would constitute an inappropriate form of development, which would be out of keeping with the character and pattern of development in the local area and would be further accentuated by the off-road parking and waste storage areas which would dominate the frontage, to the detriment of visual amenity. The proposed development is therefore contrary to the provisions of policies SP1, H1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Greater Manchester Ecology Unit

1275 Rochdale Road, Manchester, M9 7EG
1265 Rochdale Road, Manchester, M9 7EG
1277 Rochdale Road, Manchester, M9 7EG
1267 Rochdale Road, Manchester, M9 7EG
32 Coulsden Drive, Manchester, M9 6AP
35 Hilldale Avenue, Manchester, M9 6PQ
33 Hilldale Avenue, Manchester, M9 6PQ
38 Hilldale Avenue, Manchester, M9 6PP
Annex At, 34 Coulsden Drive, Manchester, M9 6AP
31 Hilldale Avenue, Manchester, M9 6PQ
1273 Rochdale Road, Manchester, M9 7EG
1271 Rochdale Road, Manchester, M9 7EG
1269 Rochdale Road, Manchester, M9 7EG
34 Coulsden Drive, Manchester, M9 6AP
1281 Rochdale Road, Manchester, M9 6FG
1279 Rochdale Road, Manchester, M9 6FG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH