

Application Number	Date of Appln	Committee Date	Ward
116332/FO/2017	8 th Jun 2017	24 th August 2017	Didsbury West

Proposal Erection of detached dwellinghouse and detached garage with associated landscaping, boundary treatment and car parking.

Location Land To The North Of Marie Louise Gardens Lodge, (24 Holme Road), Manchester, M20 2UP.

Applicant Mr & Mrs Gutfreund , C/o Agent,

Agent Kath Ludlam, Ludlam Associates, The Bank, 99 Palatine Road, M20 3JQ,

Description

This application relates to a plot of land currently within the curtilage of the former park keepers cottage in Marie Louise Gardens, known as The Lodge. To the south and west of the site lies Marie Louise Gardens, while to the north stands a modern residential development, namely Dundreggan Gardens. To the east of the site is The Lodge itself and beyond that a detached garage and then Holme Road.

Planning permission to erect a part 2, part 3 storey six bedroomed detached dwellinghouse with basement parking was approved in April 2007, under reference 081612/FO/2006/S2, but never implemented. Planning permission to erect a 3 storey detached dwellinghouse and detached garage on the site was approved in March 2009 (ref. 088667/FO/2008/S2) and then subsequently renewed in February 2012 under reference 097786/REP/2011/S2. It is acknowledged that this planning permission has commenced through the excavation of an element of the foundations. Therefore, this approval can now be fully implemented.

The applicant is applying to erect a 3 storey detached dwellinghouse on the same site along with a detached two car garage adjacent to the existing garage. Pedestrian and vehicular access to the site would be via the existing driveway off Holme Road. Pedestrian access is also proposed via the gardens themselves. The proposed layout is shown to the right (the purple dotted line denotes the siting of the previously approved scheme ref. 088667/FO/2008/S2):

The previously approved dwelling attempted to replicate the early 20th Century mock Tudor park lodge while this proposal is of a more contemporary approach. For comparison the proposed front



elevations (elevation facing the gardens) of the previously approved dwelling and this proposal are shown below:



Consultations

Local Residents – Five letters of objection have been received from local residents, the points raised are outlined below:

- The proposed new development will block views into Marie Louise Gardens from Dundreggan Gardens.
- The height of the new house should be reduced. It is 3 storeys and is not subordinate to the 2 storey Lodge.
- If approved there will be too many buildings on a small site creating high-density development. This will impact significantly upon Marie Louise and houses in Dundreggan Gardens.
- The proposed building will severely limit the light and sun that the front of a number of the properties in Dundreggan Gardens enjoy.
- The proposal will completely alter the aesthetics of Dundreggan Gardens which is in essence very light and airy. This huge dwelling towering over the perimeter fencing will block light, look offensive and above all detract from the natural beauty of the environment.
- The distance from the boundary wall of 27 Dundreggan Gardens to the boundary wall of the proposed new development is only 2.7metres. Clearly, the proposed development appears too large for the site and neighbourhood. It threatens to completely obscure any sunlight into the front of 27 Dundreggan Gardens and will completely block views to the beautiful Marie Louise Gardens.
- The oversized garage will limit light reaching the neighbouring property.
- The proposal should be more subservient to The Lodge in order to preserve this well restored building. The lowering of the roof of the proposed new house by a couple of feet would make it more discreet and maintain The Lodge as the main building. The present height is too high with only the lack of chimneys making is lower than The Lodge.

- The planting of climbing plants such as wisteria, climbing rose or Virginia creeper should be planted up the elevations facing Marie Louise Gardens, this would soften the appearance of any new build well and harmonise it with the public gardens.
- Hedges and trees should be planted to soften the boundary between the new build and Marie Louise Gardens.
- Can (a) bat brick(s) be included in the elevations facing Marie Louise Gardens to provide bat roost potential? Such provision is in line with MCC's policy on promoting biodiversity in all new development sites.
- The high rising build will encroach on privacy as it will clearly overlook neighbouring properties property.
- The large windows on the south-west elevation overlooking the Gardens should be frosted; a window from a nearby house at the Needham Hall development was requested to be frosted on grounds of being too close to a sensitive area of the Gardens
- There should be no use whatsoever of the flat kitchen roof as a patio as this really would be unpleasant for people using the gardens. There are no windows giving access to the roof on the plans but at the moment there is no condition to prevent a later planning application for this.
- There should be a proper landscaping scheme detailing type and location of proposed boundary hedge/ boundary treatment etc. Is the wooden fence being removed and are there going to be railings? Will security lights be shining into the gardens? Will CCTV be pointing into the gardens?
- Despite a slight change to the previously approved scheme in 2012 surely consideration should now be taken of the potential effect on the lives of the Dundreggan Gardens residents that would not have been considered originally as nos. 19-27 Dundreggan Gardens were not built at that stage.
- The open feel of Marie Louise Garden is definitely a bonus, especially in an area like Didsbury where space seems limited. We are not sure how an oversized building , directly overlooking the Marie Louise Gardens, will impact on the whole positive feel that the garden currently lends; envisioning the proposed plan, it seems rather oversized and daunting.
- The proposed new house has a footprint which is 15% larger than planning already agreed on that land. The distance of the proposed new house from the nearest house in Dundreggan Gardens is just 2.7 metres. The northeast length of it is 25% greater and the ridge roof on top of three floors will definitely cause overshadowing and block existing views to Marie Louise Gardens.
- The redbrick design is out of keeping with the locale. It is, to borrow a regal phrase, 'a monstrous carbuncle.'
- How will fire services can access the property in the event of fire at the new build house?
- It is requested that the committee undertake a site visit prior to determining the proposal.

Friends of Marie Louise Gardens – The friends group have submitted the following comments:

- The Friends of Marie Louise Gardens would like to express their appreciation of the developer's previous excellent renovation of the Lodge, which is a major contribution to the maintaining the character of the gardens.
- Turning to the present application, the principle of a second house on the site has already been established by the previous permission, which is still extant. Given that, we think the present proposal is a considerable improvement on the design previously approved, and shows much more sensitivity to the impact on Marie Louise Gardens, which is greatly reduced. We do not therefore wish to oppose this application. Notwithstanding that, the following points have been raised by the group's members:
 - a) The flat roof over the kitchen extension should not be used as a patio.
 - b) The group are happy with the principle of a 1.8 metre high boundary fence but question what will happen to any climber plants in Marie Louise Gardens that grow up it.
 - c) The group would like assurances that the Gardens will not be encroached upon by the buildings works and that future maintenance of the building will be undertaken from within the site.
 - d) The group would like the developer to consider installing a bat brick in the wall facing the gardens to enhance biodiversity.
 - e) There should be no disturbance of potential nest sites until the end of August (brambles and buddleia behind the portacabins).
 - f) Some members of the group are of the opinion that the windows in the side elevation should be glazed or part glazed with frosted glass to prevent unnecessary overlooking of the Gardens.
 - g) As the proposed new property would benefit directly from views over the garden and access to it via a gate, it would be appropriate that the gardens should benefit from a financial contribution of section 106 monies from the developer as was required when the Needham Hall site was developed. This financial contribution could benefit tree planting, tree and general maintenance within the gardens.
 - h) Any existing trees that adjoin the site should be protected.
- At the south-east corner of The Lodge grounds, the fence has a small rectangular cut-out which originally made room for a large horse chestnut tree. Now this has been felled, the group wish to plant a new tree and would like to ensure that the line of the boundary fence around the property will be respected.

West Didsbury Residents' Association – WDRA have made the following comments:

- WDRA would further contend that while the principle of development at the site has been established by the earlier approval this comes with a proviso about protection from overlooking of Dundreggan properties by use of obscured glass
- The footprint of the proposed dwelling would exceed that of the extant 088667 approval, although it is acknowledged that the now proposed building would include a single storey kitchen area.

- The ridge height of the proposed house is effectively the same as that of the existing Lodge. While it does seem to be a little lower than the extant house the proposed height remains the single most unfortunate feature of the proposal.
- Proximity of the proposed house to existing Lodge residence would be reduced from 6.15m to 3.1m. Again it is acknowledged that this dimension relates to the single storey element of the proposed house.
- When viewed from Dundreggan Gardens the left-right width of the proposed house would exceed the equivalent width on the extant 088667.
- The collective implication of the two dwellings and garages for Dundreggan residents would be to potentially reduce opportunities for sunshine, daylight and views of the public gardens.
- The drawing “Aerial view from Holme Rd towards house and garage” strongly suggests that the ridge height of the proposed garage would be materially in excess of that of the existing Lodge garage. If this is proposed WDRA would vigorously press for amendment such that the proposed garage was of no greater height than the existing garage.
- WDRA were pleased to note the drawing caption to the sole first floor window to the North East elevation to be fixed and frosted. We would suggest that for clarity this be included as a planning condition.
- WDRA were also pleased to note that no trees were proposed for felling and that “extra care” will be devoted to the welfare of existing trees. WDRA hope that the term “existing trees” includes site trees and also neighbouring trees with root-spread into the application site.
- Though WDRA are happy that the boundary with Marie Louise Gardens be in the form of 1.8m high soft hedgerow planting, they do seek additional detail as to planting mix and density proposed. Regarding landscaping generally WDRA suggest that full details should be provided in the form of a full landscaping plan that also included details for hard standing permeability.
- It would appear that the enclosed nature of much of the path from front gate, leading between garages and boundary wall towards the proposed house might offer cover to intruders. WDRA hope that appropriate steps can be taken to assure security of the premises.
- The WDRA concluded by stating that they will not object to this application provided any consent contains conditions on the following lines:
 - a) Review of design with a view to reduction of house ridge height,
 - b) Ridge height of garage to be no greater than that of the existing garage,
 - c) No habitable use to be permitted of garage,
 - d) “Secure by Design” accreditation to be in place prior to any occupation of property.
 - e) No use of property for any business purpose whatsoever,
 - f) Full landscaping plan to be agreed with Planning Officers prior to commencement of development,
 - g) No use of any part of kitchen roof for patio or similar purposes,
 - h) Construction Management Plan to be submitted and agreed prior to any commencement of construction activities
 - i) First floor window to North East elevation to be fixed and opaque.

Needham Hall Residents' Association – The resident association object to the proposal for the following reasons:

- While the new application makes comparison with 088667, each new planning application should and must be treated on its own merits and in context. Local planning authorities are obliged to consider current policies and other material considerations, including changes in the associated area (such as the erection of Dundreggan Gardens), which are evident since the grant of an earlier and different planning permission. The current material circumstances and conditions which, combined together, justify the decline of the current application.
- The proposal represents the over-development of this visible and sensitive site adjacent to a public park and neighbouring houses. The site already contains The Lodge and a two-storey double-garage. While previously, the overdevelopment of infill urban land was accepted, current government policy and planning frameworks discourage overdevelopment of land, “garden grabbing,” and the loss of open aspects of neighbourhoods within established urban areas.
- Compared with the original approval, this proposal has a footprint which is 15% larger that is tight up against the northeast and northwest boundaries of the site. The distance from the boundary of the closest house (27 Dundreggan Gardens) to the boundary wall of the proposed new development is 2.7 metres. We further note that the new house will be just 3.1 metres from, and thus in very close proximity to The Lodge. The proposal will mean very little of the remaining site will be soft landscaped.
- A full analysis of the overshadowing needs to be submitted. The residents' association consider that there will be significant shadowing effects from the proposed house at the Winter solstice. This is the time of the year when shading will be greatest, but also the time when light is most needed. The shading effect is likely to be greater than for the original permission as the new application, while slightly lower by 37cm, is also closer by 47cm to the common boundary and is approximately 25% broader leading to a much wider shadowing effect on neighbouring properties. The highest point of roof line appears to closer (than 088667) to the boundary with Dundreggan Gardens, perhaps up to 1m in total. Overall, it appears that the proposed new house will induce adverse shadowing effects on neighbouring residents
- The proposed large three-floor six-bedroomed house will seriously affect the residential amenity of neighbours, due to overlooking, overshadowing, and loss of privacy for existing residences on Dundreggan Gardens. Compared with the original approval, the northeast length of the proposed new house is 25% greater, right up against the property boundary and at a height of three storeys and presents an unacceptable loss of existing residential amenity. The ridge height of the roof of the proposed new house is unacceptably high and will block the existing and established residences at Dundreggan Gardens, severely increasing overshadowing and blocking visual amenity. The massive size of the proposed new house means that it cannot be judged to be “better” than the original approval.
- Second and third floor windows in the north-west side of the proposed three-floor house will be directly overlooking into windows of existing and established nearby residences on Dundreggan Gardens (especially into the

block with houses 16-22 Dundreggan Gardens). From the north-east side, there is also a risk of direct overlooking from windows into residences of Dundreggan Gardens.

- The proposed new second two-storey double garage appears to be significantly and materially higher than the existing and recently added two-storey double garage. This raises material concerns about visual amenity and overshadowing of the adjacent property (27 Dundreggan Gardens). There are also potential adverse effects related to noise, privacy, and overdevelopment if the floor above the detached garage is used for residential or business use.
- The proposal will also cause significant loss of visual amenity to Marie Louise Gardens and result in overlooking and overshadowing. The historic Arts and Crafts character of The Lodge and Gardens will be irreparably compromised.
- The 1903 covenant through which the land at Marie Louise Gardens was conveyed remains enforceable. This provides not only that the land should be used for a public park or recreation ground but also that “nuisance or annoyance” should not be caused to “any neighbouring proprietor or occupier” (First Schedule). The residents of Dundreggan Gardens and the Needham Hall Estate are neighbouring occupiers. We submit that the proposed development will cause nuisance and annoyance to Needham Hall Estate residents as neighbouring occupiers, and thus contravene the terms of the covenant related to use, the nuisance and annoyance.
- When the Needham Hall estate was built, a Section 106 payment was made by the builders of the Needham Hall Estate on behalf of the residents of Dundreggan Gardens and Needham Hall. This was used in the restoration of Marie Louise Gardens. Use of the Gardens has substantially increased. These improvements and the increased use of the Gardens represent a further material change in conditions. Having assented to this agreement, it is requested that the Council give particular attention to community and residents’ desires to enjoy the full visual and civic amenity of Marie Louise Gardens.
- The residents association request that a site visit be undertaken prior to the decision being made.

Highway Services - The detached garage will provide parking for two cars with secure cycle storage and additional forecourt parking is available which is considered sufficient. The existing access arrangements (and frontage boundary treatment) will remain unchanged with vehicle and pedestrian access from Holme Road and further pedestrian gated access from Marie Louise Gardens which is acceptable in highway terms. Bin storage is being provided between the new and existing garages and waste will be collected by the local authority from Holme Road which is acceptable.

It is recommended that prior to the commencement of the development a detailed construction management plan outlining working practices during development is submitted to and approved in writing by the local planning authority. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the Council's Highways Applications and Network Resilience teams

Environmental Health – Suggests the imposition of a waste storage condition and one concerning the hours of construction.

Neighbourhood Team Leader (Arboriculture) – There does not appear to be any impact on trees, as such there are no objections from an arboricultural perspective.

Greater Manchester Police (GMP) – Have made the following observations:

- The front boundary treatment is acceptable and it is advised that the rear boundary treatment have a minimum height of 2.1m
- It is highly recommended that the scheme is built to Secured by Design standards, and that a condition is put in place to ensure so.
- It is recommended that Dusk-till Dawn lighting is installed to all elevations and that the small footpaths to the rear are lit sufficiently.
- To facilitate natural surveillance shrub planting should not exceed 1 metre in height, and tree canopies should fall no lower than 2 metres in height from the ground.
- Lighting to all parking areas should be in accordance with BS 5489, with an average lux level 20 and a uniformity level of no less than 25%.
- It is advised that an intercom system is installed at the front gate, either video or audio system in order to allow residents the ability to vet any visitors before allowing entrance.

Policies

The National Planning Policy Framework (NPPF) – The NPPF was published on the 27th March 2012 and replaces and revokes a number of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF constitutes guidance for local planning authorities and decision-makers both in drawing up plans and as a material consideration in determining planning applications. It does not change the statutory status of the development plan, i.e. the Core Strategy, as the starting point for decision making and it states further that development that accords with an up-to-date local plan, such as the Core Strategy, should be approved unless other material considerations indicate otherwise.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental.

Within paragraph 17 of the NPPF, core land use planning principles are identified. The most relevant principles to this proposal are:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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 H6, *South Manchester* – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

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.

The Manchester Green and Blue Infrastructure Strategy (G&BIS) – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond

4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Manchester Residential Quality Guidance 2016 – Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

Guide to Development in Manchester Supplementary Planning Guidance – Recognises the importance of an area's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

For reasons to be outlined below, it is considered the proposal accords with the aforementioned policies.

Issues

Principle of the Proposal – The principle of the proposal is considered acceptable given the granting of the previous consents on the site and the fact that one has been implemented. Notwithstanding this, consideration must be given to the proposal's

impact upon the existing levels of residential and visual amenity enjoyed in the locality of the site, particularly by the residents of Dundreggan Gardens, and upon the levels of pedestrian and highway safety enjoyed along Holme Road.

Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of the London Housing Design Guide space standards (LSS) as interim space standards for residential developments.

As 250m² of floor space is proposed in this instance and the interim space standards for a 5 bed dwelling ranges from 116m² to 134m², it is considered that sufficient living space for the future residents of this dwelling will be provided.

Design – The dwelling approved under ref. 088667/FO/2008/S2 was designed in the Edwardian style to reflect the era of the gardens and The Lodge itself. The current proposal is traditional in size and massing to many properties in the area but its overall design is contemporary. While the proposal matches the proportions of The Lodge, the proposed materials and their use is a departure from The Lodge's Edwardian style. Terracotta clay tiles will be used on the roof and as cladding at first floor level, while the ground floor will consist of soft rustic red brick. The windows will be recessed and orientated vertically to break up the overall appearance of the building. This design approach is welcomed.

The design of the detached garage will complement the proposed dwelling by virtue of the proposed materials and roof pitch.

Residential Amenity – The northern elevation of the proposed dwelling is located approximately 1 metre away from the boundary with Dundreggan Gardens, i.e. in the same position as the previously approved scheme. Located within the northern elevation are two non-habitable windows and two rooflights which will be approximately 6.15 metres away from no. 27 Dundreggan Gardens. This elevation will consist of two non-habitable room windows and two rooflights. The two rooflights will be high level in order to prevent any overlooking. In terms of the non-habitable room windows, the one at first floor level will be obscurely glazed, while the ground floor window will be situated behind the existing fence and located slightly below the ground floor level of no. 27 Dundreggan Gardens. Given the type and location of the windows in the northern elevation, and the fact that the proposed dwelling and no. 27 Dundreggan Gardens are perpendicular to each other, it is not considered that the level of privacy enjoyed by the occupants of no. 27 Dundreggan Gardens will be unduly eroded.

The western elevation of the proposed dwelling would consist of five windows (three at ground floor and one in the first and second floors). As these windows would be located approximately 21 metres away from no. 22 Dundreggan Gardens and not directly face that property, it is not considered that the proposal will have a detrimental impact upon the levels of privacy enjoyed by its residents

It is considered that the siting of the dwelling in the location proposed, along with the reduced number of windows in all of the elevations, will ensure that there is no loss to the level of privacy enjoyed by the residents of Dundreggan Gardens.

The siting of the proposed garage, which is set back 2.8 metres more from the Dundreggan Gardens boundary than the previously approved scheme, will not have a detrimental impact upon the levels of amenity enjoyed by the occupants of those properties adjoining the site.

No windows are proposed at first and second floors in the elevation closest to The Lodge. Given this and the fact that the two storey element closest to The Lodge has been set further back than the previously approved scheme, it is not considered that the levels of residential amenity enjoyed by the occupants of The Lodge will be unduly impacted upon.

Local residents have raised concerns about overshadowing from the proposed dwelling. It is acknowledged that during the times of the year when the sun is at its lowest point the proposed dwelling, as with the previously approved scheme, will result in some overshadowing, particular experienced by nos. 14 to 22 Dundreggan Gardens. However, as the massing and height of the proposed dwelling has been reduced and the roof has been redesigned, it is considered that the level of overshadowing will be at an acceptable level.

Massing – The eaves and ridge height of the proposed dwelling are 0.62 and 0.37 metres lower than the previously approved scheme and the overall floorspace has also been reduced from 261.54m² to 250.4m². Given this, the redesign of the dwelling and the fact that the front two storey element has been sited further back from the Gardens, it is considered that the overall massing of the proposed dwelling has been reduced in comparison with the previously approved scheme and results in a development that is appropriate at this location.

Siting – The proposed dwelling would be no nearer to the northern boundary with the Dundreggan development than the previously approved scheme and the proposed garage is set back a further 2.8 metres from this boundary than the previously consented garage. While it is acknowledged that the side elevation facing the gardens is slightly closer to the western boundary, the two storey element of the front elevation is set back 3 metres more than the previously approved scheme. Given the above it is considered that the siting of the proposed dwelling and garage is acceptable.

Impact Upon the Enjoyment of Marie Louise Gardens – As the application does not involve work to or further loss of land within Marie Louise Gardens, it is not considered that the proposal would impact upon the layout of the gardens as they were originally planned at the beginning of the 20th Century. It is acknowledged that the proposed dwellinghouse will bring with it a degree of overlooking to a section of the Gardens that currently does not exist. However, it is not considered that this limited overlooking will have an unduly detrimental impact upon the users of the Gardens. It should be noted that the number of windows in the side and front elevations, i.e. those adjoining the Gardens, has been reduced from 19 (including rooflights) as seen in the implemented approval to 11 as proposed now. The side elevation as previously approved is shown below with the current proposal overlaid in red, as can be seen the number of windows in that elevation, along with the massing, has been reduced. Given the limited number of windows above ground floor it is

considered that the potential feeling of overlooking for users of the Gardens will be minimised. It must also be noted that the limited overlooking that would occur would introduce some natural surveillance to the Gardens.



Visual Amenity – Given the design and siting of the proposed dwelling and the fact that it has been reduced in size and massing to that previously approved, it is not considered that it would have an unduly detrimental impact upon the levels of visual amenity enjoyed in the area.

Amenity Space – Sufficient private amenity space would be provided for the future occupants of the proposed dwelling and the residents of The Lodge. In addition, the residents of both properties will have direct access to Marie Louise Gardens.

Landscaping – The indicative landscaping scheme shows that the boundary treatment adjoining Marie Louise Gardens will comprise of hedgerow planting to a height of 1.8 metres. The existing fencing and wall along the northern boundary will remain while the proposed treatment along the boundary with The Lodge will also comprise of hedging. Elsewhere the curtilage of the site will comprise of a mix of hard and soft landscaping, i.e. lawn, patio and a driveway. A condition requiring the submission of a detailed landscaping scheme is suggested.

Trees – No trees are proposed to be felled as part of the proposal. However, to ensure that disturbance to any existing trees adjoining the site is kept to a minimum, a condition requiring any excavations within the Root Protection Zones be carried out in accordance with an approved Arboricultural Method Statement is suggested in this instance.

Ecology – The application will not have an impact upon any protected ecological features. Notwithstanding this, it is considered prudent to attach a condition limiting the clearance of vegetation to outside of the bird nesting season. A condition requiring the use of a bat brick within the property is also suggested.

Pedestrian and Highway Safety – It is not considered that the additional dwelling will generate such significant levels of traffic or concentrated traffic movements so as to prove detrimental to the levels of pedestrian and highway safety currently enjoyed along Holme Road.

Car Parking – The level of parking to be provided via the double garage and the associated hardsurfacing is considered more than adequate for the proposed dwelling.

Waste Storage – The four domestic bins (140 litres grey, blue, brown and green bins) are to be stored between the proposed and existing garages, while a food waste caddy is to be provided for the kitchen. This levels of provision complies with the City Council's current domestic practices.

Future Use of Garage – A condition, preventing the use of the proposed double garage as separate living accommodation will be attached to any approval granted in order to prevent the overdevelopment of the site.

Crime and Disorder – It is believed that the siting of a dwelling in this location will improve the level of natural surveillance that currently exists in Marie Louise Gardens. The comments of GMP are noted and as a result the standard Secured by Design condition is suggested in this instance.

Air Quality – The erection a single dwellinghouse in this location will not have an unduly detrimental impact upon the air quality experienced in the vicinity of the site. A construction management plan condition will be attached to any consent granted to ensure that dust suppression measures are implemented while the development is being built.

In terms of the running of an additional household in this location, it is not considered that the comings and goings associated with the dwelling will have an unduly detrimental impact upon air quality.

Sufficient space exists within the curtilage of the site to allow for the storage of cycles while the detached garage will have an electrical connection, therefore allowing for the future connection of a vehicle electrical charging point. Both of these measures reduce reliance on the traditional motor vehicle.

Section 106 Agreement – As has been demonstrated above, it is not considered that the proposal will have an unduly detrimental impact upon the levels of residential and visual amenity enjoyed within the vicinity of the site. As a result, it is not considered that any impact arising from the proposed dwelling need to be mitigated by a Section 106 Agreement.

Access by the Fire Service – The proposed dwelling is within 45 metres of the highway and so complies with Building Regulations guidance on fire appliance access.

Covenant – The presence of a covenant on the site, as referred to by the Needham Hall and Dundreggan Gardens Residents' Association, is not a reason to refuse planning permission.

Dundreggan Gardens – It has been raised by local residents that Dundreggan Gardens was not present when the part implemented scheme (088667/FO/2008/S2) was approved and that as such the circumstances have changed to such a degree that the current proposal should be refused.

It should be noted that the Dundreggan Gardens development was approved in August 2007 (ref. 082214/FO/2007/S2) and this pre-dates the previously approved scheme which was approved in March 2009. Consideration was given to the presence of the Dundreggan Gardens development when the application for the previously approved scheme was determined by the Planning and Highways Committee in March 2009.

Conclusion

The proposed development is for a single family dwelling on the site of an extant planning permission for a similar development. The principle of a single dwelling in this location has therefore been established. The size and massing of this proposal has been reduced in comparison with the previously approved and part implemented scheme and the number of windows overlooking the Gardens has been minimised. Given this, and the contemporary design approach, it is considered that this scheme is more appropriate for this sensitive location.

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 the right to a fair hearing and to this end the Committee 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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings stamped as received on 8th June 2017:

- a) Existing Site and Location Plan 218_al (02) 001
- b) Existing North East Elevation 218_al (02) 002
- c) Existing South East Elevation 218_al (02) 003
- d) Existing South West Elevation 218_al (02) 004
- e) Existing North West Elevation 218_al (02) 005
- f) Proposed Site and Roof Plan 218_al (05) 001
- g) Proposed Ground Floor Plan 218_al (05) 002
- h) Proposed First and Second Floor Plans 218_al (05) 003
- i) Proposed North East Elevation 218_al (05) 004
- j) Proposed South East Elevation 218_al (05) 005
- k) Proposed South West Elevation 218_al (05) 006
- l) Proposed North West Elevation 218_al (05) 007
- m) Proposed Garage Plans 218_al (05) 008
- n) Proposed Garage Elevations 218_al (05) 009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) No development shall commence until a detailed hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree

or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) No vegetation clearance or building demolition should occur between the 1st March and 31st August in any one year unless nesting birds have been shown to be absent by a suitably qualified person and this has been agreed in writing by the City Council as local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policies EN9 and EN15 of the Core Strategy.

7) The garage hereby approved shall only be used as ancillary accommodation in connection with the use of the dwelling hereby approved and not as a separate dwelling, without express consent from the City Council as local planning authority.

Reason - In the interests of residential amenity and to prevent the over intensified use of the site, pursuant to Policy DM1 in the Core Strategy Development Plan Document.

8) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

9) Prior to the commencement of the development hereby approved, details of a bat box to be erected within the curtilage of the site shall be submitted to and approved by the City Council as local planning authority. The bat box shall be installed and thereafter maintained in accordance with those approved details.

Reason - To ensure the protection of the habitat of bats which are protected species under the Wildlife and Countryside Act 1981 and pursuant to policy DM1 in the Core Strategy Development Plan Document

10) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the designated route for construction and delivery vehicles
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy Development Plan Document.

11) 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, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Core Strategy.

12) The roof of the single storey element of the development hereby approved shall not be used as an external terraced/seating area.

Reason - In order to protect existing levels of residential amenity, pursuant to policy DM1 in the Core Strategy Development Plan Document.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 116332/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

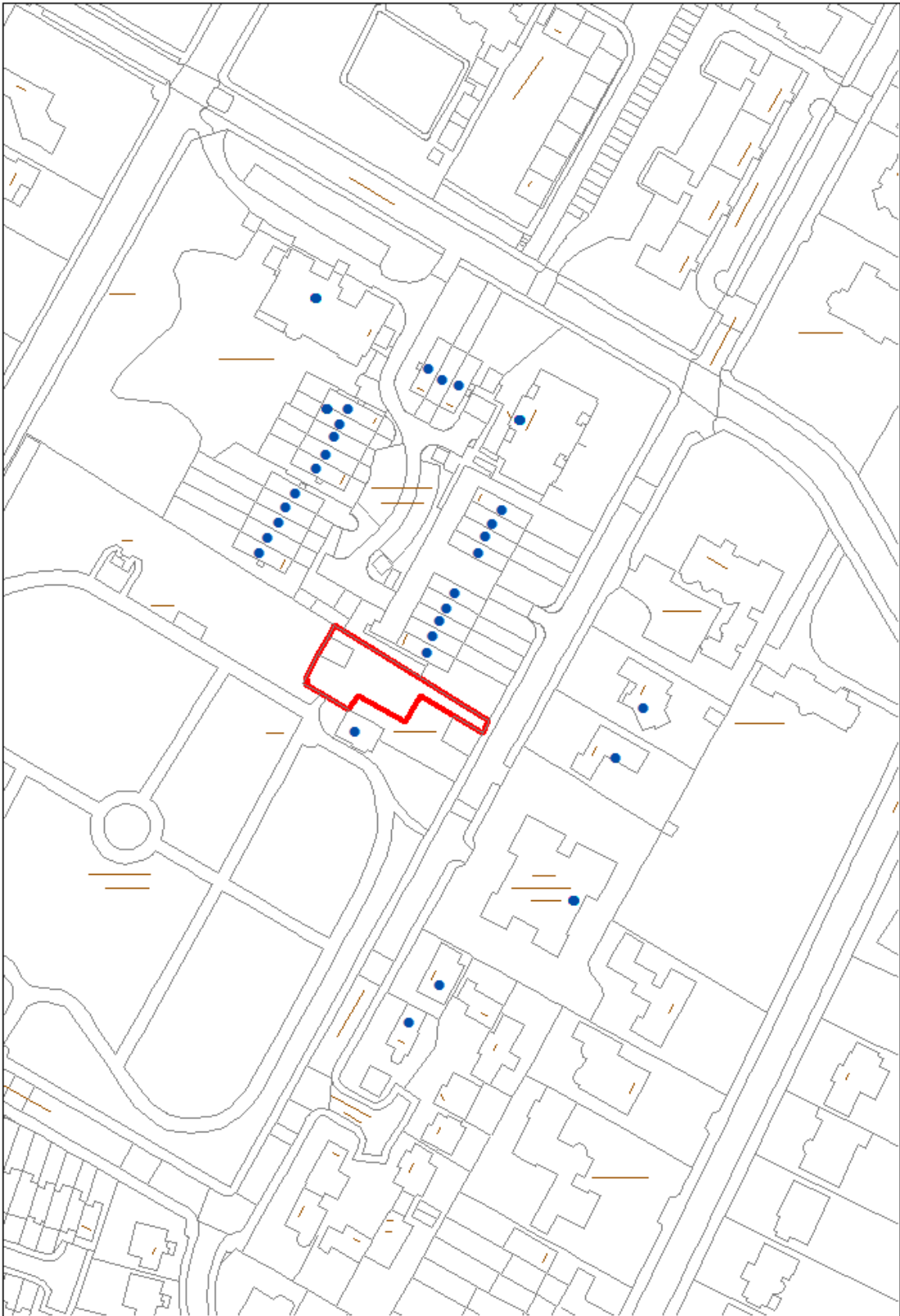
Greater Manchester Police
Holme Road Resident Association
Didsbury Civic Society
Friends of Marie Louise Gardens
West Didsbury Residents' Association

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Greater Manchester Police
Friends of Marie Louise Gardens
West Didsbury Residents' Association
Needham Hall Dundreggan Gardens Residents' Association
7 Alexandria Gardens,
18 Dundreggan Gardens
23 Dundreggan Gardens,
27 Dundreggan Gardens,
7 Stratford Avenue,

Relevant Contact Officer : David Lawless
Telephone number : 0161 234 4543
Email : d.lawless@manchester.gov.uk



 Application site boundary  Neighbour notification
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