

Application Number	Date of Appln	Committee Date	Ward
116563/FH/2017	5th Jun 2017	21st Sep 2017	Didsbury West Ward

Proposal Relocation of gate posts

Location 1 Walsingham Avenue, Manchester, M20 2XG

Applicant Mr Aaron Carlisle , 1 Walsingham Avenue, Manchester, M20 2XG,

Description

Walsingham Avenue is one of a number of short, residential culs-de-sac off Burton Road within the Albert Park Conservation Area. This application relates to No. 1 Walsingham Avenue, a two-storey property at the end of a terrace of six. The properties have small front garden areas, bounded by low red brick walls with stone copings and distinctive stone gate posts painted white. The front area of the application property has been paved over. There are no off-street parking areas on the avenue and residents currently park diagonally over the footway.



The front boundary wall and gate posts at 1 Walsingham Avenue

Consent is sought for the relocation of the gate posts within the front boundary. Originally the proposal involve moving the gate posts to the far ends of the frontage, but has been amended so that they sit more in line with the front door of the house. The applicant also intends to take down the front wall in order to allow parking off-street. The removal of the wall does not require planning permission.

Consultations

Highway Services – There are no objections to the alterations to the front gate/access. Any new gates or similar should not open up over the public highway/footway.

The applicant is advised that they would need to apply for a 'Drop Crossing Request' to carry out an assessment on whether or not this location is suitable for a private driveway that permits motorists to drive across the footway into their own grounds. In addition, the resident would also need to fund the provision of new dropped kerbs to provide a recognised 'official' driveway.

Local Residents – Nine residents have made objections to the proposal, raising the following concerns:

- The property is in a conservation area and all the original Victorian walls on Walsingham Avenue are intact in their original positions.
- The proposal will ruin the period character and appearance of the avenue.
- The planned driveway would be only 3m deep and a parked car would protrude and obstruct the pavement.
- Some neighbouring avenues have similar drives to the proposal and this has resulted in the loss of their character.
- There is a local custom of parking diagonally to maximise parking spaces in the avenue.
- The proposal would create a driveway and remove on-street parking available to neighbours and the public, reserving the space 24 hours a day permanently for one resident, whether at home or not. In fact, due to the diagonal parking it could remove two or three spaces and put enormous pressure on the limited availability of spaces. It is inequitable of the Council to choose to support reserved parking for one individual in preference to other neighbours and the public.
- The proposal sets a dangerous precedent. If others follow suit there would be increased pressure on parking impacting on the amenity of residents.
- The applicant has referred to other driveways that have been created on the avenue, but these are on the corner of Burton Road and Walsingham Avenue where access has been created via the side gardens, not the front.
- Stone-topped walls, stone gate posts and small front gardens are a key feature of terraced houses in the Albert Park Conservation Area, especially in the culs-de-sac that run off Burton Road.
- It would set a precedent and encourage others to pave over their gardens.
- Cars reversing and manoeuvring directly beneath windows in a former front garden will subject neighbours to increased noise and pollution in their homes.
- Front gardens are necessary for health, privacy, quality of life, amenity and enjoyment.
- The front gardens of the ~Burton Road culs-de-sac support biodiversity

- The creeping blight of lost gardens and the conservation area and subsequent reduction in amenity, quality of life and biodiversity should be avoided
- If the parking situation gets worse there is a real risk house prices could be reduced.

Two letters of support have been received from residents who feel that the proposal will help the existing parking situation.

West Didsbury Residents' Association – It is WDRA's view that demolition of the front boundary walls means the loss of one important component contributing to the character and appearance of the conservation area. It is recognised that a number of such emblematic features of the conservation area have already been lost, but this is not justification for new developments that would do further damage to the visual amenity of the area. The culs-de-sac off Burton Road area a distinctive aspect of the conservation area street scene and removal of the front garden will may set a precedent.

Policies

National Planning Policy Framework

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Section 12: Conserving and enhancing the historic environment - This guidance requires assessment of the significance of the heritage assets and settings and the desirability of sustaining and enhancing those assets.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 – sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 (Development Management) - seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice. This policy also seeks to protect the amenity of an area from the adverse impacts of development.

Policy EN3 - Heritage - This policy addresses historic and heritage features, the aim being to preserve or enhance the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.

Saved UDP Policy DC18.1a - Conservation Areas - The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- the relationship of new structures to neighbouring buildings and spaces;
- the effect of major changes to the appearance of existing buildings;
- the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- the effect of signs and advertisements;
- any further guidance on specific areas which has been approved by the Council.

Legislative Requirements - Section 72 of the Planning (Listed Building and Conservation Areas) Act imposes a general duty as respects conservation areas in exercise of planning functions and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Sections 16(2) and 66(1) of the Act state that decision makers must have "special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest.

Issues

Impact on the character and appearance of the conservation area

National legislation allows for the removal of any wall, gate or fence which is less than 1m in height abutting a highway within a conservation area. Therefore the removal of the wall is not being assessed here as the boundary wall fall below 1 metre in height. Neither is the paving over of the garden area as this is historic and may not have required consent. The element requiring formal consent is the relocation of the gates posts, as these are more than 1m in height.

The applicant has listed a number of cases nearby in the conservation area where similar works have been carried out on similar properties on Burton Road itself and on the small culs-de-sac within the conservation area, setting a clear precedent. Some have retained gate posts, others involved the removal of the entire front boundary treatment.

The issue which therefore requires consideration is the impact of the relocation of the gateposts on the character and appearance of the conservation area. It is acknowledged that the small front gardens with stone-topped walls and stone gate

posts are a feature of this and a number of other avenues within the conservation area. However the distinctive gate posts would be retained as a feature marking the property's boundary and their relocation to sit more in line with the front door of the property is considered to be a change with minimal adverse impact on the appearance of the property within the street scene and which would not materially harm the character and appearance of the conservation area.

Parking

Comments have been raised with regards to the car parking pressures within the cul-de-sac and the area more generally. An objector indicates that resident's park diagonally across the existing pavement to increase the amount of parking on street. Whilst this may be a local custom it is one that leads to cars being parked in a manner that obstructs the pavements on the cul-de-sac which is unacceptable from a pedestrian safety point of view. If cars were to be parked in a legal manner on the street the proposed use of the front of the application property as a drive could result in the loss of a space on street however, the drive would provide off street parking provision. Highway Services do not object to the proposal. It is not therefore considered that the relocation of the gate posts would result in an unacceptable impact on parking in the area to warrant refusal of the application.

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 policies 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 based on seeking solutions to problems arising in relation to dealing with the planning application, in particular relating to the position of the gate posts.

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 and documents stamped as received by the local planning authority on 9 August 2017.

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.

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: 116563/FH/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:

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:

West Didsbury Residents' Association

11 Walsingham Avenue, West Didsbury, Manchester, M20 2XG

5 Walsingham Avenue, West Didsbury, Manchester, M20 2XG

7 Walsingham Ave, Manchester, M20 2XG

2 Walsingham Avenue, MANCHESTER, M20 2XG

9 Walsingham Avenue, West Didsbury, Manchester, M20 2XG

7 Stratford Ave, West Didsbury, M20 2LH

7 Walsingham Avenue, West Didsbury, Manchester, M20 2XG

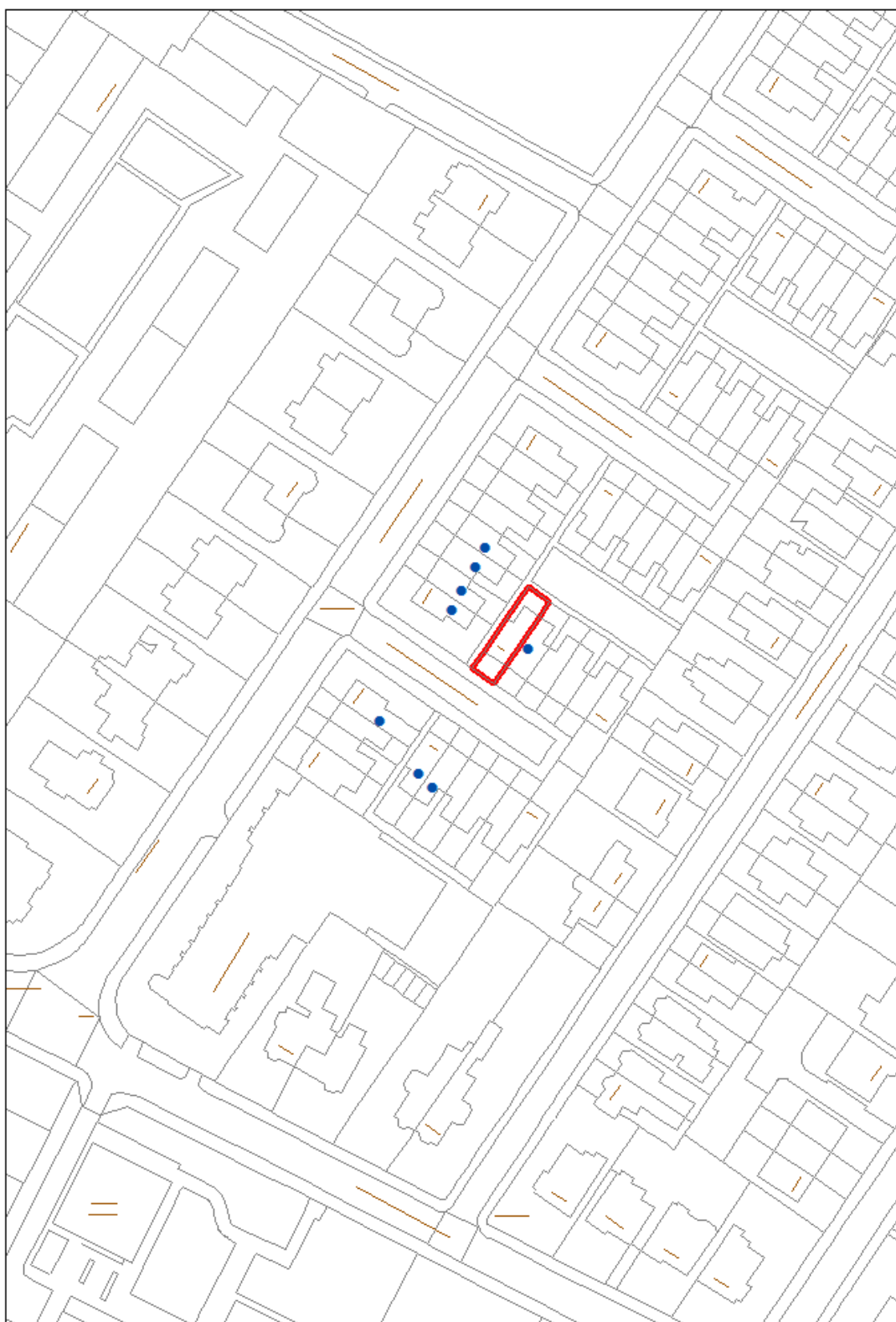
10 Walsingham Avenue, West Didsbury, M20 2XG

12 Walsingham Avenue, West Didsbury, M20 2XG

261 Burton Road, Manchester, m20 2LN

263 Burton Road, Manchester, M20 2LN

Relevant Contact Officer :	Paula McGovern
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 Application site boundary  Neighbour notification
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