

Application Number	Date of Appln	Committee Date	Ward
136444/FH/2023	9 Mar 2023	21 Sept 2023	Didsbury West Ward

Proposal Erection of new front porch, erection of single storey rear extension to form garage with terraced area above following excavation of section of existing rear courtyard, and erection of fencing above existing walls around perimeter of the site; following demolition of part of boundary wall

Location 1A Cavendish Road, Manchester, M20 1JG

Applicant Mr Matthew Smith

Agent Mr Sean Monaghan, MOJO Architecture

Executive Summary

The application seeks planning permission for the erection of new front porch, erection of single storey rear extension to form garage with terraced area above following excavation of section of existing rear courtyard, and erection of fencing above existing walls around perimeter of the site; following demolition of part of the boundary wall.

The property sits within the Albert Park Conservation Area but is not listed.

One representation in support of the scheme was received from a Local Councillor. The key issues for consideration are the potential impact on highway and pedestrian safety which would arise as a consequence of the removal of part of the boundary wall allowing access to the rear yard of the application property for parking; potential impacts on neighbouring occupiers due to any overbearing appearance as well as the impact on the character of the Conservation Area. These issues are fully considered within the main body of the report.

Description

The application site is located on Cavendish Road, although the primary elevation of the property faces towards the south-east in the direction of Burton Road. As such, the side elevation of the property fronts Cavendish Road. The front of the application property sits behind the single storey, flat roof structure of G.T Blagg hardware shop.

Immediately to the north-west and west of the site sits the Cavendish Community Primary School, with the front of the school leading out onto Cavendish Road. To the north there are residential properties. The immediate area surrounding the application site is characterised by retail units, cafes, restaurants, public houses and bars, with flats above, and residential dwellinghouses. Other local landmarks of the immediate area include the Cavendish Park Road playground, The Metropolitan West Didsbury, Burton Road Metrolink stop and Withington Community Hospital.

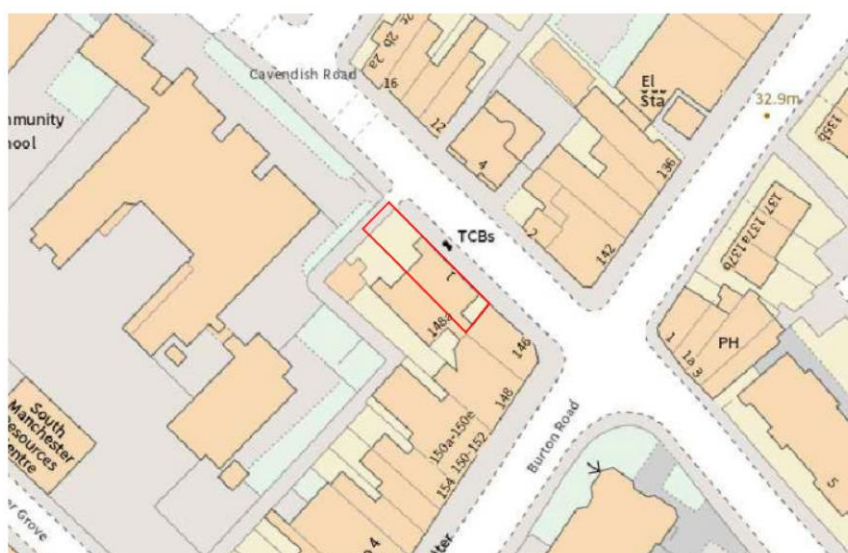


Figure 1. Submitted location plan with site edged in red.

The property is located within the Albert Park Conservation Area. During the late Victorian period, the shopping area on Burton Road was developed to the south and culminated in the North with the large scale Victorian public house, the Midland, on the corner with Lapwing Lane. Around the 1900s Cavendish Road, a short cul-de-sac, was extended to continue the line of Lapwing Lane. This coincided with the construction of the largest buildings in the conservation area - Shawgrove and Cavendish Road Schools.

The application site is within a visually prominent location within the Conservation Area, especially from the junction of Burton Road, Lapwing Lane and Cavendish Road.

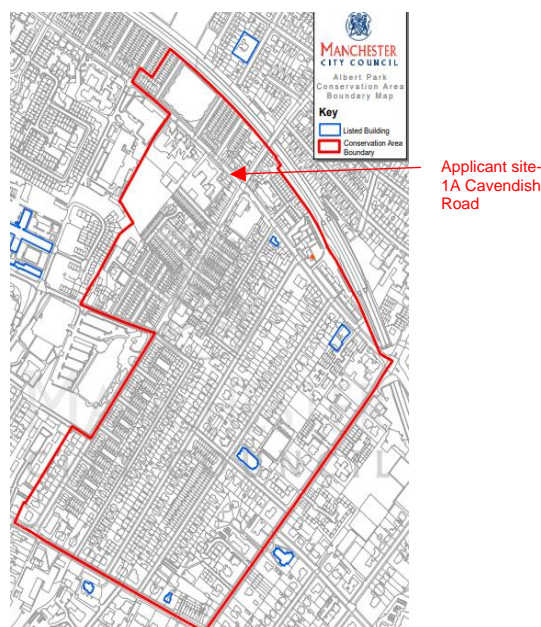


Figure 2. Map of Albert Park Conservation Area in relation to applicant site.

The application site relates to a late Victorian dwellinghouse (assumed c.1880), constructed in red brick (attractive Flemish bond with polychrome effect to north

gable of particular interest) with stone dressing, slate pitched roofs, eminent chimneystacks and sash windows. Standing at three storeys, the building survives fairly intact externally and in plan form.

The front of the property is accessible from a gate off Cavendish Road to the south of the site, which leads to a small hard surfaced courtyard. Access into the property is from steps leading to the front door with a right hand turn leading into the property itself. The property benefits from further amenity space to the rear. A change in level occurs between the property itself and the rear amenity space and steps allow access down into the courtyard area. Boundary treatment surrounding the rear amenity space consists of an approx. 1.8 metre brick wall surrounding the perimeter of the site. The immediate neighbour to the south west benefits from a similar arrangement in terms of rear amenity space.



Figure 3. Entrance to the property from a personnel gate off Cavendish Road.



Figure 4. Primary view of the property as seen from Cavendish Road.



Figure 5. Rear view of the property as seen from Cavendish Road.



Figure 6. Rear garden.



Figure 7. Rear boundary wall of applicant site in relation to rear alleyway.

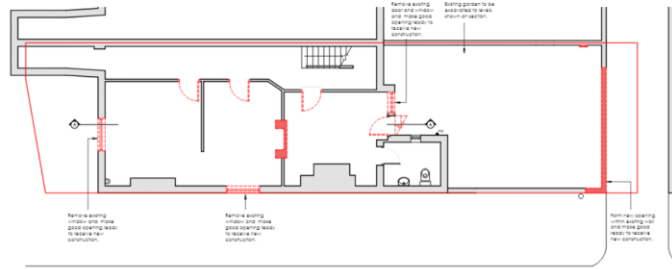


Figure 8. Existing lower ground floor plan.

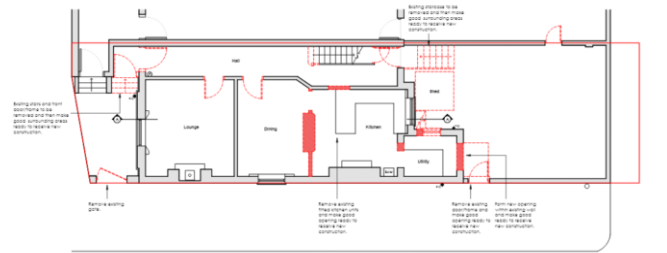


Figure 9. Existing ground floor plan.

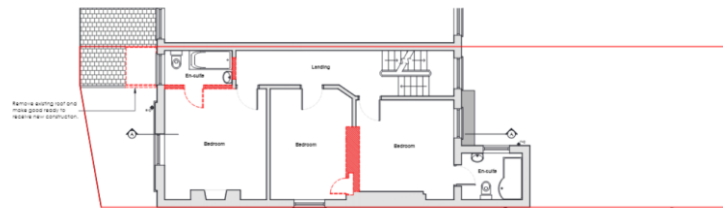


Figure 10. Existing first floor plan.

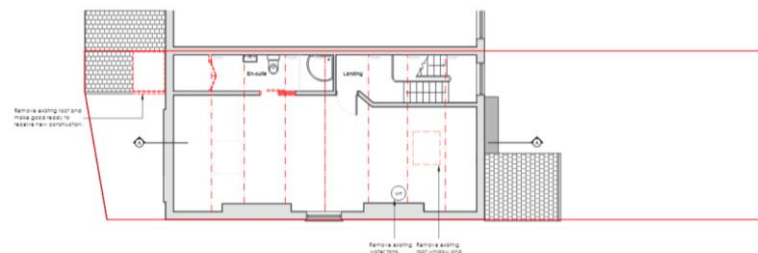


Figure 11. Existing second floor plan.

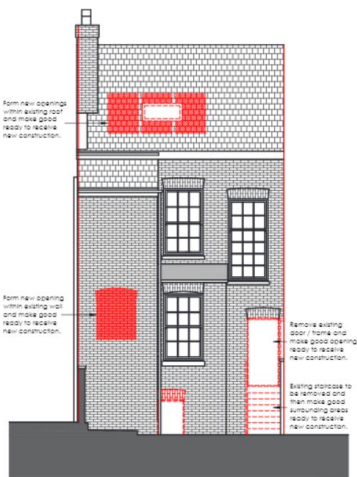


Figure 12. Existing primary elevation.

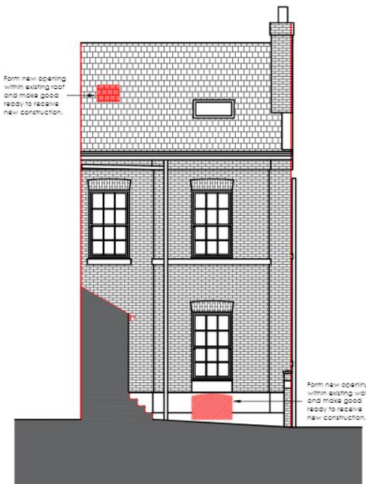


Figure 13. Existing rear elevation.



Figure 14. Existing side elevation (1).

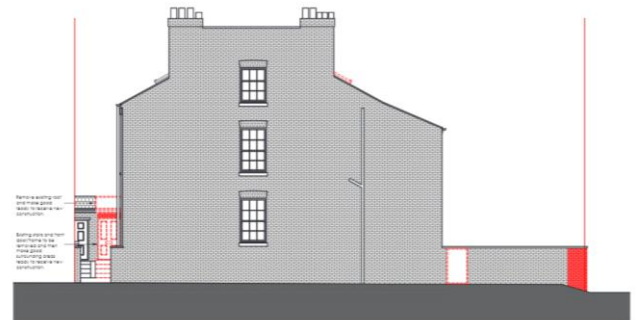


Figure 15. Existing side elevation (2).

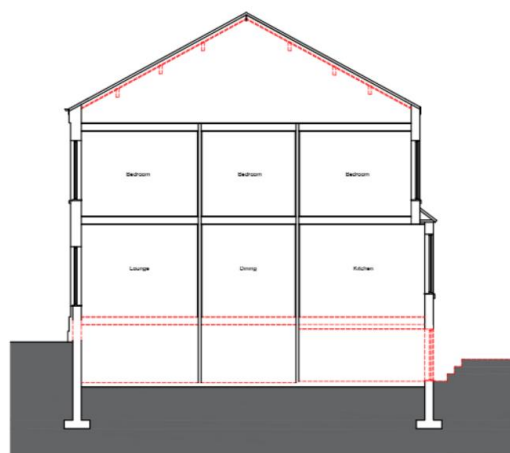


Figure 16. Existing Section.

The applicant is seeking permission for the erection of new front porch, erection of single storey rear extension to form garage with terraced area above following excavation of a section of existing rear courtyard, and erection of fencing above existing walls around the perimeter of the site; following demolition of part of the boundary wall.

In order for a car to park within the new garage area within the rear courtyard, a new gateway into the rear courtyard would need to be formed.

When the application was submitted, a front and rear dormer was proposed within the application. The insertion of the two dormers was considered inappropriate and unacceptable given the property's prominence within the Conservation Area and as agreed with the agent, this element of work was omitted from the proposed scheme.

Planning history

No planning history exists for this site.

Consultations

Local residents:

No responses were received from local residents.

Local councillors:

Councillor John Leech made representations on behalf of the applicant in support of the application. In relation to the access point to the rear in connection with the proposed garage area, Councillor John Leech stated the alleyway to the rear was already in use and discussed comparable local circumstances. Councillor John Leech raised the issue of the removal of the rear wall at the site and whether this could be achieved without planning permission. The Councillor also highlighted how the rear wall historically does not benefit from planning consent and how the rear courtyard was historically used for parking purposes.

West Didsbury Residents Association:

No responses were received from West Didsbury Residents Association.

Highway Services:

Highways have raised concerns which can be summarised as follows -

During the initial consultation, concerns regarding the rear on-site car parking proposal with access from Cavendish Road and the rear alleyway were raised. The location of the car parking space is not preferred from a Highways perspective due to compromised forward visibility for motorists and pedestrians. Given that vehicles will access/egress from a constrained access point, which is within close proximity to a highly trafficked junction, adjacent to a school access point and across the school entrance markings.

After further information was provided by the applicant, Highways reviewed the additional information and provided further comments as follows:

Highways have concerns regarding the safety of the proposed vehicle access point. The applicant was requested to provide a swept path and visibility splay to show how the appropriate manoeuvres can be made. The boundary treatment should maintain permeability to a height of 600mm to ensure that child pedestrians are visible when vehicles exit the garage and alleyway. The applicant should confirm that they have a formal written agreement to guarantee rights of access over any land which falls outside of the site's red line.

Following this, further comments/documents were received in order to address comments made by Highway Services. Highways commented again stating they still had concerns regarding the safety of the proposed vehicle access point:

- It is adjacent to a primary school with what appears to be inadequate pedestrian/vehicle intervisibility.
- The submitted visibility splay does not indicate the existing items of street furniture such as the tree and pedestrian guard rail, these are likely to be within the visibility envelope shown.
- Observations of the area show bins in the alley way and on the footway.

Clarification is sought to confirm where these bins would be stored and how this will be monitored, bins should not be left on the adopted footway.

Following an assessment of all information submitted by the applicant/applicant's agent the following further comments have been received;

MCC Highways are aware of the historical dropped kerbs and vehicular access at this location. However, should a request for dropped kerbs / vehicle crossover in this location be requested now, it would not be supported.

Whilst this planning application is not relating to a vehicle crossover / dropped kerb application and is for a new vehicle access into the property boundary only, concerns remain regarding the pedestrian / highway safety impacts of the intensification of the access route from Cavendish Road. The submitted swept path and visibility splay assessments are not adequate.

Given the highway safety concerns stated above and the proximity of the site to Cavendish Road Primary School, MCC Highways cannot support this application.

Policies

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 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.

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, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Policy EN3: Heritage- States that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods.

Unitary Development Plan for the City of Manchester (1995):

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant and are relevant to consideration to the proposed extension to a residential dwellinghouse.

Policy DC1 of the Unitary Development Plan seeks to accommodate the demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. It relates specifically to residential extensions and the relevant criteria from this policy

include:

DC1.1 The Council will have regard to:

- a. The general character of the property
- b. The effect upon the amenity of neighbouring occupiers
- c. The overall appearance of the proposal in the street scene;
- d. The effect of the loss of any on-site car-parking

DC1.2 states extensions will be allowed subject to:

- a. They are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings)
- b. They do not create a loss of sunlight/daylight or privacy
- c. They are not out of character with the style of development in the area
- d. They would not result in the loss of off-street parking Policy

DC1.3 states that Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require adaptations to their homes.

Policy DC18 of the Unitary Development Plan encourages and help ensures the protection, preservation and enhancement of its Conservation Areas, which are areas of special character representing the rise and development of the world's first industrial city. The policy gives effect to the obligation placed on the Council by statute to give particular consideration and attention to the quality of developments within conservation areas.

DC18.1 states:

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i) the relationship of new structures to neighbouring buildings and spaces;
 - ii) the effect of major changes to the appearance of existing buildings;
 - iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
 - iv) the effect of signs and advertisements;
 - v) any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.

Guide to Development In Manchester:

The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development appropriate to Manchester. It seeks to retain the essential distinctiveness of its character areas, whilst not precluding new development.

National Planning Policy Framework (2021):

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF was updated in July 2021 and provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e., the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its

composite building, as well as the function and appearance of public and private spaces.

iii. Chapter 16. Conserving and enhancing the historic environment- States that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 197- In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other Legislative requirements:

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Issues

Relevant policies seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policy EN3 of the Manchester Core Strategy seek to ensure development within Conservation Areas complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. Policy DC18.1 of the Unitary Development Plan seeks to encourage and help ensure the protection, preservation and enhancement of its Conservation Areas, which are areas of special character. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

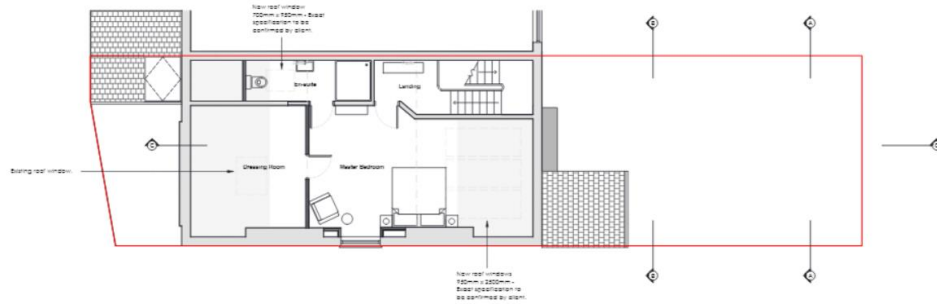


Figure 20. Proposed second floor plan.

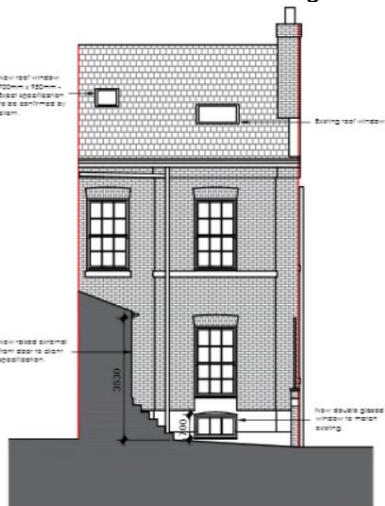


Figure 21. Proposed primary elevation.

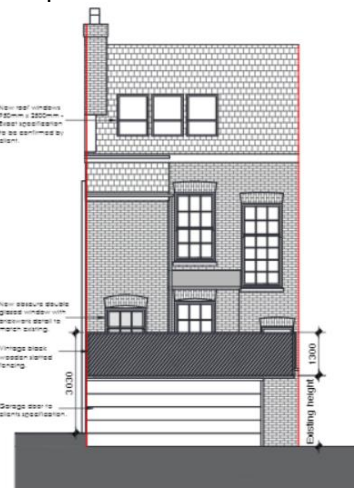


Figure 22. Proposed rear elevation.

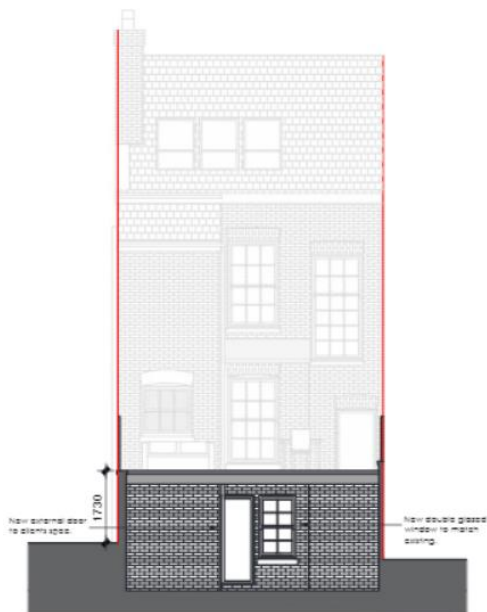


Figure 23. Proposed rear sectional elevation (1).

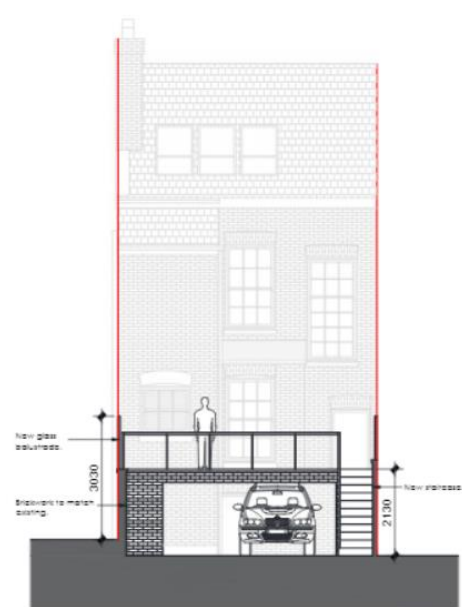


Figure 24. Proposed rear sectional elevation (2).

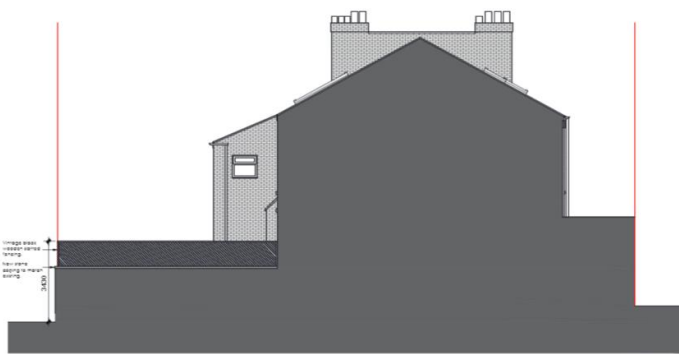


Figure 25. Proposed side elevation (1).

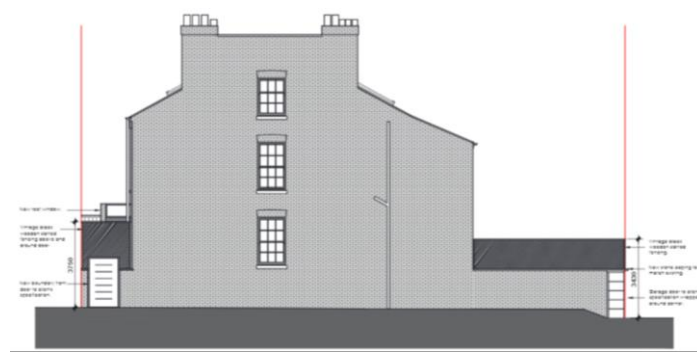


Figure 26. Proposed side elevation (2).

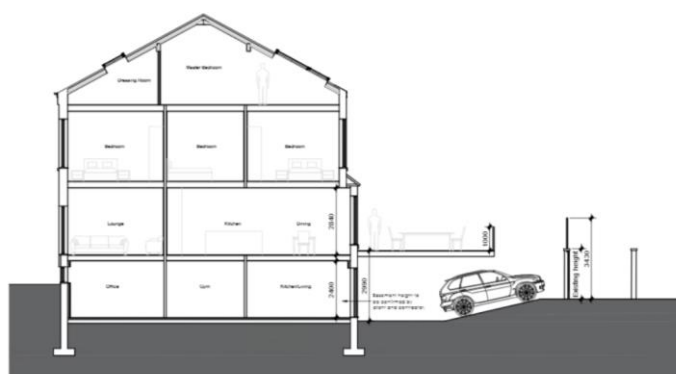


Figure 27. Proposed section.

Principle of Development:

The application seeks planning consent for the erection of new front porch, erection of single storey rear extension to form garage with terraced area above following excavation of a section of existing rear courtyard, and erection of fencing above existing walls around the perimeter of the site; following demolition of part of boundary wall.

The principle of development is not considered acceptable on several grounds. The erection of fencing above the existing walls around the perimeter of the rear amenity space would result in boundary treatment measuring 3.4 metres in height. This would result in a structure which is overly dominant given its context and would be out of keeping with the type of boundary treatment evident within the conservation area and would appear overly dominant within the street scene and there is also concern that the fencing would have an unacceptable visual impact to neighbouring occupiers appearing overly dominant to the adjoining occupiers. The scheme proposes a new off-street garage/parking area to the rear of the property which would be facilitated by the demolition of part of the existing boundary wall. The demolition of the wall requires permission due to the fact that it is within a Conservation Area. Highway Services were consulted during the application and raise concerns in terms of pedestrian and highway safety. The remainder of this report will consider the reasons of concern in more detail.

Erection of fencing above existing walls around perimeter of the site:

There is significant concern in relation to the erection of vintage black wooden slatted fencing to be installed on top of the existing boundary wall fronting Cavendish Road and along the boundary with the adjoining residential property. The proposed fencing to the front of the property to enclose the front entrance of the site, given it would follow the same form of development as seen with the light coloured wooden cladding in association with the G.T Blagg retail unit, is considered to be acceptable. However, the insertion of the fencing on top of the existing brick wall to the rear is not considered acceptable in visual terms.

Siting, scale and massing:

Vintage black wooden slatted fencing would be inserted on top of the existing brick wall to the rear of the property and this would involve the insertion and increase of boundary treatment against the highway of Cavendish Road, the unadopted highway of the rear alleyway and against the boundary with neighbouring property no.148a Burton Road. Through Permitted Development a height of 1 metre boundary treatment can be achieved without applying for consent against the highway and 2 metres in any other case.

The insertion of the fencing fronting Cavendish Road would at the highest point result in a height of 3.4 metres. This is considered to create an excessively tall boundary treatment which would be visibly intrusive along Cavendish Road. As a result, the proposed boundary treatment would produce a structure which is overbearing given its context and create a visually dominant impact along this section of the road. The property standing at 3 storeys high makes an important contribution to the Albert Park Conservation Area. As such, along Cavendish Road the insertion of the fencing above would result in an overbearing and visually intrusive structure within the streetscene and would be harmful to the Conservation Area by producing an incongruous feature. The fencing would be visible when approaching the junction close to the application site further south-east along Cavendish Road. The colouration, type of material as well as the height, visual appearance and long-range views are all considered to be unacceptable.

In assessing the proposal against guidance contained within the NPPF it is considered that the proposed scheme would cause less than substantial harm to the character of the conservation area but this would be at the higher end of less than substantial harm and that impact would be unacceptable for the reasons stated above. It is also considered that any public benefits, such as a first floor terrace amenity area for the applicant, would not outweigh that harm.

The proposed scheme would also necessitate the removal of part of the existing boundary wall which forms an attractive feature in the street scene. This would be replaced by a retractable boundary feature to allow access into the rear garden. If permission was to be granted full details of the design of the proposed retractable doors would need to be sought via an appropriately worded condition.

Residential amenity:

The fence would also be located on the common boundary with the adjoining property at 148a Burton Road. It is acknowledged that boundary treatment is necessary to provide increased privacy from the creation of the terraced area above

the proposed garage structure, the fence being 3.4 metres in total height would, it is considered, result in an overbearing structure for the immediate neighbour. This would be to the detriment of the use of the rear garden area and the amenity of the current and any future occupiers, visually dominating the adjoining garden area.

In all other aspects such as noise from comings and goings and use of an outdoor terrace, these aspects are considered to be acceptable.

Creation of garage and implications to the highway:

The proposal also includes the provision of an off-street parking space within the curtilage of the application site. This would be possible with the excavation of a section of the existing rear courtyard. A car could be parked within the lower ground floor car port/garage and the top of the proposed structure would be used as an outside terrace for the use of the applicants. In order to allow a car to be parked in this location, vehicular access would be facilitated into the rear courtyard via the alleyway. This would be possible through the existing alleyway, with existing dropped kerb, to the rear of the site. This alleyway is sited in between the applicant's rear boundary line and the eastern boundary of the Cavendish Community Primary School. It is the removal of part of the existing boundary wall which facilitates a vehicle being able to access the rear yard and to be able to park within the curtilage of the property.

Information has been provided by the applicant in the form of a photo collage and written information in relation to the existing use of the highway by vehicles, supporting information to demonstrate why it is considered that the vehicular movements would be safe and also providing details of other similar examples nearby. This information can be summarised as follows:

The applicant highlighted the local circumstances of the alleyway and surrounding area, including:

- Historic established use of the alleyway for access to the rear of the properties.
- The rear garden previously used for car parking prior to rear wall being built relatively recently.
- The garage already at the end of the alleyway which has been used for the parking of vans and cars for decades.
- An identical alleyway used for the same purpose to allow vehicle access to the rear of properties on the opposite side of Cavendish Road.

The following information was also provided by the agent on behalf of the applicant, for consideration:

- Written confirmation and legal documents illustrating the applicant has the right of access to the half of the alleyway not within the submitted site edged red.
- Document containing local parking arrangements for properties along Cavendish Road and Burton Road (see Figures 28, 29 and 30 as provided by the agent for Highways' consideration).
- Visibility splay plan (see Figure 31).
- Swept path assessment (see Figure 32).



Figure 28. Garage at the end of the alleyway used for parking purposes by a neighbouring property



Figure 29. Alleyway used for servicing purposes as existing, taken from applicant's rear window



Figure 30. Example of similar entrance circumstance opposite applicant property

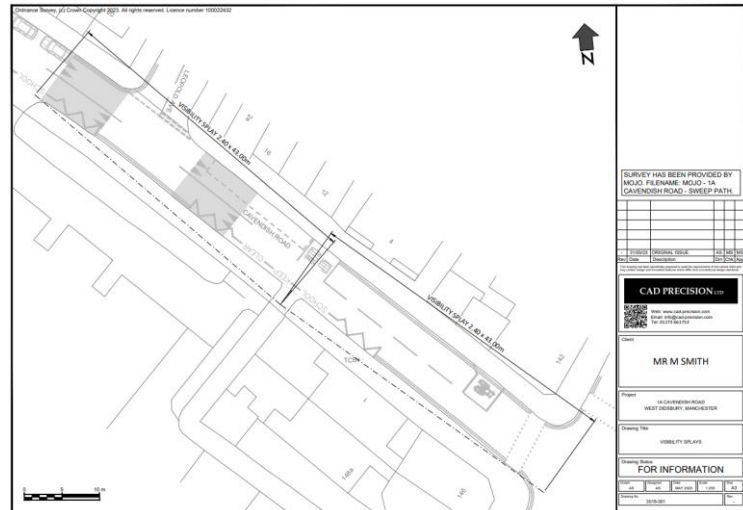


Figure 31. Visibility splay



Figure 32. Swept path analysis

Further written correspondence was provided by the agent on behalf of the applicant responding to concerns raised by Highway Services and these can be summarised as follows:

- Applicant contested pedestrian visibility requirements are not the correct guidelines to follow as they are for a property driveway. Applicant stated from the property to the alleyway the access would adhere to the requirements provided by Highways.
- The requirements have not been met in the case of neighbouring driveways.
- Applicant stated the alleyway always had and continues to have direct vehicle access to the main carriageway. Access to the alleyway is already established and permitted.
- Applicant willing to provide measures to increase safety for pedestrians crossing the footpath either side of the alleyway, e.g. signage and/or visibility measures.

-In relation to local bins being stored in the alleyway, the applicant states that verbal agreements would be in place to ensure bins do not obstruct access to the alleyway and agreements could be put in place for bins along Cavendish Road.

-Applicant willing to update visibility splay with existing street furniture taken into account.

All information has been fully assessed by Highway Services. It is the case that there is an existing alleyway to the rear of the application property and this incorporates a vehicular access point which allows vehicles to enter and leave the alleyway. There is an existing garage further along the alleyway, as shown above. It is fully acknowledged that the alleyway is used by vehicles at the present time. However, it is the case that this is a narrow alleyway with limited visibility for vehicles entering and leaving the alleyway with existing street furniture also impacting on visibility. The highway is heavily trafficked and children use the footway in association with the neighbouring school.

Highway Services are concerned that the intensification of use of this existing access would have a detrimental impact on both highway and pedestrian safety. The existing alleyway is narrow and has limited vehicular movements. The proposal would exacerbate an existing situation that has the potential to further impact the safe use of the highway creating difficult manoeuvres in and out of the rear yard of the application property.

The issue has been raised that the parking of vehicles has taken place within the application property historically. However, the part of the boundary wall to be demolished is a lawful part of the boundary treatment and has been in place for in excess of 15 years. The removal of this element of the wall requires planning permission and the material impacts of the resulting development required full consideration. In this case those impacts are considered to be unacceptable.

Figure 33 and 34 below shows the alleyway to be used by the applicant to access the new in curtilage garage and shows the proximity to the school entrance. Figure 33 and 34 highlight the relationship with the junction and relation to the school entrance markings. It is acknowledged that the applicant's agent has provided additional information in order to attempt to demonstrate that the proposed scheme would be appropriate in respect of safety. However, it is considered that the scheme proposed is not acceptable in terms of highway and pedestrian safety.



Figure 33. Alleyway to be used to access proposed rear garage within the context of the streetscene.

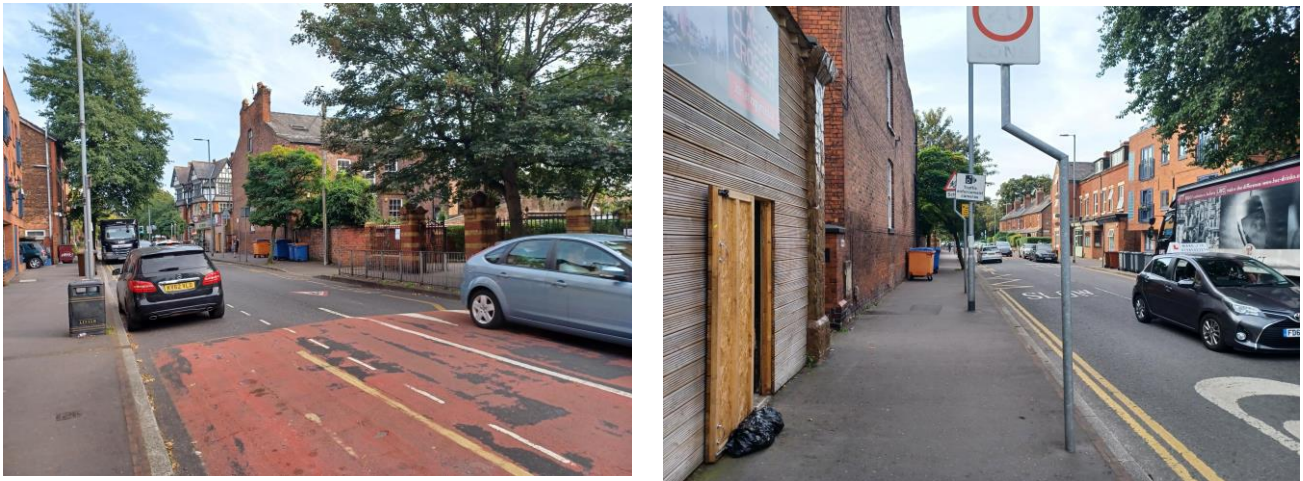


Figure 34. Distance photos of the alleyway to be used in connection with the immediate area. The Local Planning Authority accepts vehicular access exists at the rear of the property in the form of the alleyway. The Local Planning Authority also accepts the alleyway is used for servicing purposes to local infrastructure (as shown in Figure 29). It is also noted a garage is sited to the end of the alleyway and is used by a neighbouring property. However, the proposed rear garage and access point would be used much more frequently, in comparison to the alleyway being used for occasional servicing purposes as existing. As such, the provision of a garage in the rear of 1A Cavendish Road would intensify and exacerbate the use of the alleyway and lead to more movements. This is considered to have an unacceptable harmful effect on highway and pedestrian safety, especially given the site's close relationship to the School and nearby junction with Burton Road.

In regard to bins that are often stored in the alleyway, the applicant stated bins would not be stored in the alleyway as agreed by neighbours. However, this is not a matter that could be controlled through the grant of this permission and any bins stored at this location would create a further visual clutter for a driver exiting and entering the parking space.

The applicant has made reference to comparable local circumstances in terms of access arrangements, including application number 050398/FO/SOUTH2/96 (132/134 Burton Road- 3 storey extension at the side of a proposed 3 storey shop and flat development (approved under ref 049243) to form an additional 2 flats and increased retail area) and (4 Cavendish Road- Erection of a four storey block of 6 flats with associated car parking after demolition of existing garage). The historic planning applications were considered in terms of access arrangements, however given these are historic applications it is necessary for the scheme now under consideration to be fully considered on its individual merits and the grant of these previous permissions do not set any form of precedent which would override the concerns raised.

Conclusion:

It is considered that the proposed fencing to be located on top of the existing boundary wall would create an unacceptable feature within the street scene and would be detrimental to the character of the Conservation Area. It is also considered that the fencing would have an unduly overbearing appearance to the adjoining occupiers. Two reasons for refusal would be inserted within the decision notice to reflect these concerns.

The proposed demolition of part of the boundary wall would facilitate the parking of vehicles within the rear yard of the application property resulting in an unacceptable impact on pedestrian and highway safety due to increased vehicular movements. A reason for refusal reflects this concern.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 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 of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

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. Significant concerns were raised during the course of the application. Whilst some issues were able to be addressed and revised plans received, other issues were not able to be addressed.

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

- 1) The erection of fencing above existing walls around the rear perimeter of the site, by virtue of its siting, scale, massing, materials and colouration would form an incongruous and visually intrusive feature within the street scene and would be detrimental to the character or the appearance of the Albert Park Conservation Area. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and EN3 of the Core Strategy for Manchester and Policy DC18 of the Unitary Development Plan for the City of Manchester.
- 2) The erection of fencing above existing walls around the rear perimeter of the site, by virtue of its siting, scale and massing would form an overbearing and visually intrusive feature against the common boundary with 148a Burton Road, to the detriment of residential amenity. As such the proposal is contrary to the City Council's Planning Policies SP1 and DM1 of the Core Strategy for Manchester and Policy DC1 of the Unitary Development Plan for the City of Manchester.
- 3) The creation of the new vehicular access into the rear courtyard is considered to create a dangerous proposed vehicle access point onto Cavendish Road. This in turn would be detrimental to highway and pedestrian safety. As such, the proposed development would be contrary to policy DM1 of the adopted Core Strategy for Manchester.

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: 136444/FH/2023 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
Highway Services
Highway Services
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:

Relevant Contact Officer :	Katie Raw
Telephone number :	0161 234 4164
Email :	katie.raw@manchester.gov.uk

