

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121460/FH/2018	5 <sup>th</sup> Oct 2018	17 <sup>th</sup> Oct 2019	Didsbury East

**Proposal** Part retrospective application for the erection of a detached garage and a front brick boundary wall with associated metal gates.

**Location** 53 Kingston Road, Manchester, M20 2SB

**Applicant** Mr S Khan , 53 Kingston Road, Manchester, M20 2SB,

**Agent** Mr Rahat Anwar, RA Design & Project Management Ltd, Suite 4, The White House, BL1 4AP

### **Description**

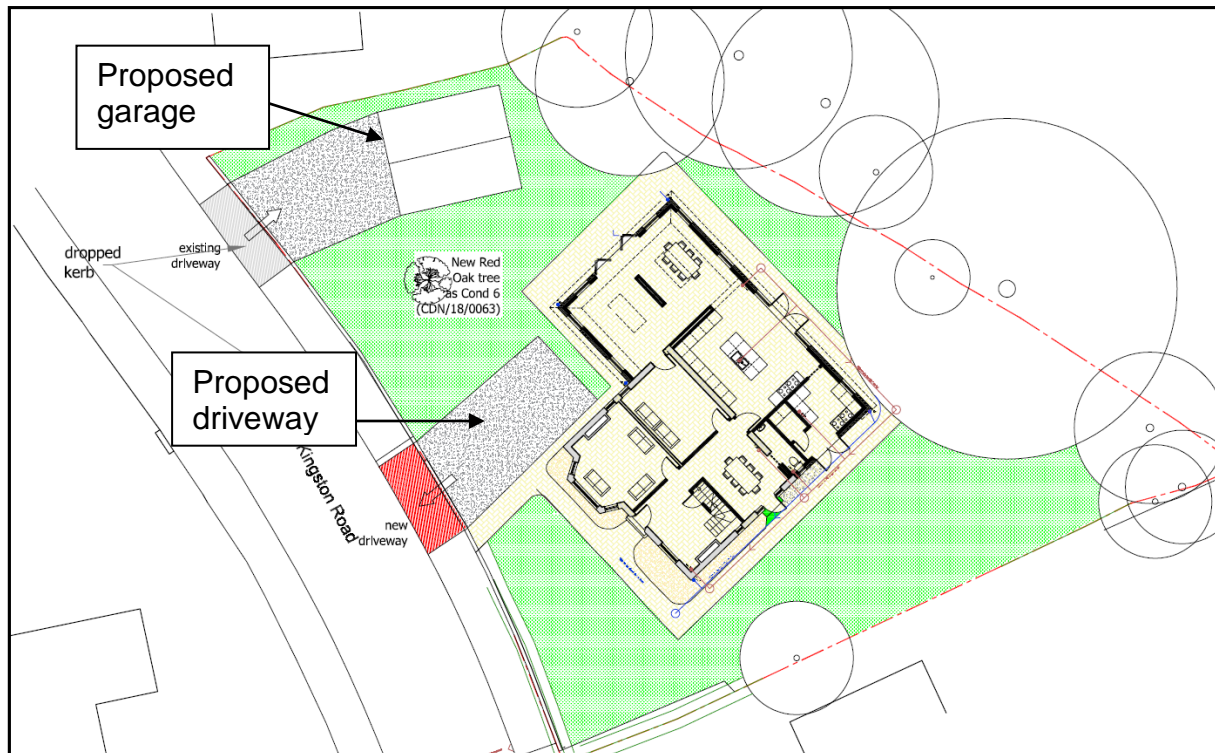
This application was placed before the Planning and Highways Committee on 19<sup>th</sup> September 2019 and at that meeting the committee deferred deliberation in order to allow Members to undertake a site visit.

53 Kingston Road is a 2 storey detached dwellinghouse located within the Didsbury St. James Conservation Area. 53 Kingston Road was one of seven identical detached dwellings (The *Shirley Houses*) located on the eastern side of Kingston Road but it has since undergone significant alterations which are the subject of planning application 124320/FH/2019, which is also on this agenda.

The property sits in spacious grounds, beyond which to the north and south sit nos. 47 and 55 Kingston Road respectively, both 2 storey detached dwellings. To the east of the site there is a thick landscape belt running along the common boundary with The Towers Business Park. To the west of the site, on the opposite side of Kingston Road, stands no. 56 Kingston Road, a part single/part 2 storey detached dwelling.

Planning permission to erect a two storey rear extension and a single storey side extension to the property was approved in January 2018 under reference 117633/FH/2017. Since then the applicant has also received consent to carry out a number of works to trees under references 117932/TCA/2017 and 120271/TPO/2018.

The applicant is now applying to erect a garage on the site of the former garage that was demolished several months ago. Access to the garage would be via the existing driveway. In addition, the applicant is proposing to create an additional car parking space to the front of the recently erected single storey side extension and erect a brick boundary wall/gateposts and gates at a height of 1 to 1.15 metres along the length of the front perimeter of the site. The proposed garage and boundary wall have been substantially completed. The proposed layout is shown overleaf:



## **Consultations**

**Local Residents** – Four letters of objection have been received from local residents:

- The application for the garage has not been determined but the applicant has continued to build the garage.
- An additional driveway/car space is overdevelopment.
- It would also be unsafe to have two entrances/exits to the property in close proximity on a deceptively dangerous bend in the road.
- The proposal represents a permanent addition to the original application, overdevelopment of the site, an increase in the hard-standing area and a significant reduction in the soft-landscaping of the site.
- The loss of all of the trees from the site, as a result of the approval of additional applications now means that there is no mature, screening vegetation - shrubs or trees - which could have reduced the impact of the double garage.
- The introduction of a second vehicular access through double gates in the front wall represents three further issues:
  - a) A further reduction in the soft-landscaping of the site to provide for access and hard-standing space for vehicles
  - b) A potential increase of surface water run-off from the increased hard-standing areas which could impact on the drainage capacity of the street.
  - c) Most importantly, result in the introduction of a further vehicular access in part of the road where access and egress is already difficult and potentially dangerous because the road layout (a blind bend in Kingston

Road to the north of the site, the speed of passing traffic in spite of the 20 mph speed limit, and the level of on-street parking.

- The previous single garage, which was mostly hidden from view by the now removed trees and mature hedging, has now been replaced by a large double garage, further significantly impacting upon the street scene. What was once a large garden has now become a cramped site, devoid of any natural merit. The double garage does not harmonise with or enhance the area. Furthermore, and of greater impact, is the intention to incorporate two vehicular double gates into the development. Clearly, these gates will also require additional associated hard standing.
- As well as removing what little is left of the garden to accommodate car access/egress and parking, the significant increase in hard standing will put further load on the already overstretched street drainage.
- Number 53, one of seven identical houses with significant gardens, will no longer harmonise with the street scene.
- What little of the garden remains will also be blocked from street view by the associated vehicles which will be parked on the intended extensive driveway.
- If the applicant requires so much off-road parking then any garage should be located to the rear of the site with one long driveway from the street to accommodate vehicles, thereby minimising the impact on the street scene, as per the adjoining houses. As currently proposed, the site will resemble a car park.

**Ward Members** – A joint letter of objection has been received from Councillors A. and K. Simcock, the points raised are as follows:

- This garage is being erected already so we know that this is for retrospective approval. Nonetheless, this applicant has, in our opinion, made a mockery of Tree Protection Orders in particular and their contractors have shown a disregard for the working restrictions by working at weekends and bank holidays even when requested to stop.
- The garage is located where a tree that was covered by a TPO was in position. Knowing this, the applicant's contractors weakened the tree by working in close proximity to its roots without any form of protection for the tree. The tree then became unsustainable and had to be removed. There was then a vacant site for the garage to be erected.

**Highway Services** – Highway Services have made the following comments:

- The new garage which is serviced from an existing vehicular crossover is acceptable from a highway perspective.
- The proposed boundary treatment is acceptable in principle provided that the gates will open inwards into the development site.
- The new driveway and new hardstanding area is acceptable from a highway perspective.

## **Policies**

**The National Planning Policy Framework (February 2019)** – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied.

It 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.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 192 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning 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 193 states that 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 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning

authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that 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.

Paragraph 200 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

Paragraph 202 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**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 EN 3, *Heritage* – 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, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- 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.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

**Saved UDP Policies** – Policy DC18 is considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- 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
  - iv. street trees);
  - v. the effect of signs and advertisements;
  - vi. 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.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

**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.

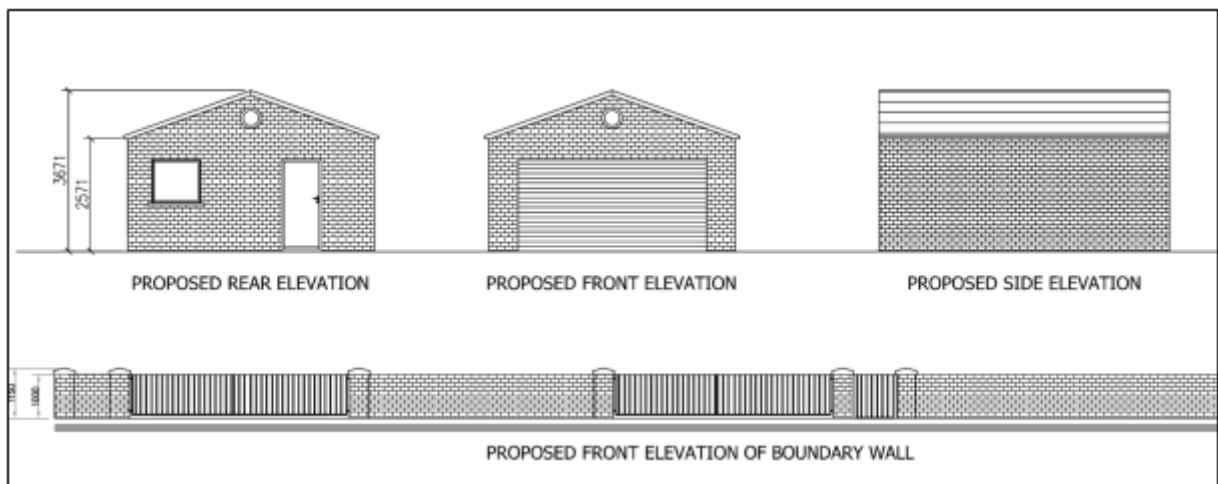
The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been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

### **Issues**

**Principle of the Proposal** – The erection of a domestically scaled garage within the grounds of a dwellinghouse, which is located on the site of a previously demolished garage, is considered acceptable in principle. In addition, the replacement of the wooden fencing with a one metre high brick wall and brick gateposts is also acceptable in this context. It is noted that planning permission for new front boundary walls at nos. 55, 59 and 61 Kingston Road has been granted in 2018 and 2019. Notwithstanding this, consideration must be given to the proposals impact upon the existing levels of residential and visual amenity enjoyed by the residents who adjoin the site, as well as the impact upon the Didsbury St. James Conservation Area and existing tree coverage. In this case the main issue concerns the use of the proposed brick

**Design** – The design of the garage is conventional and it, along with the boundary wall/gateposts, have been constructed using traditional materials, namely brick topped with grey roof tiles. The doors to the garage and the proposed gates would be of metal construction. The garage is 3.7 metres high at the ridge and is 5.6 metres wide, as opposed to the original garage which was 2.9 metres wide.

The design of the proposed garage and boundary wall/gates is shown below.





While the design of the proposed garage and brick wall/gateposts is acceptable, what is of concern is the proposed brick that has been used in their construction, namely the Weathered Pre-War Common by Imperial Handmade Bricks. While it is acknowledged that the proposed bricks do match the rebuilt elevations at the front and side of the dwellinghouse, as well as the extensions built under planning permission 117633/FH/2017, all of the bricks used in the refurbishment and extension of no. 53 Kingston Road do not match the colour of the remaining *Shirley Houses*.

The following photographs show the proposed garage and the difference between the new bricks used in the refurbishment and extension of no. 53 Kingston Road and original bricks used to construct the *Shirley Houses*.

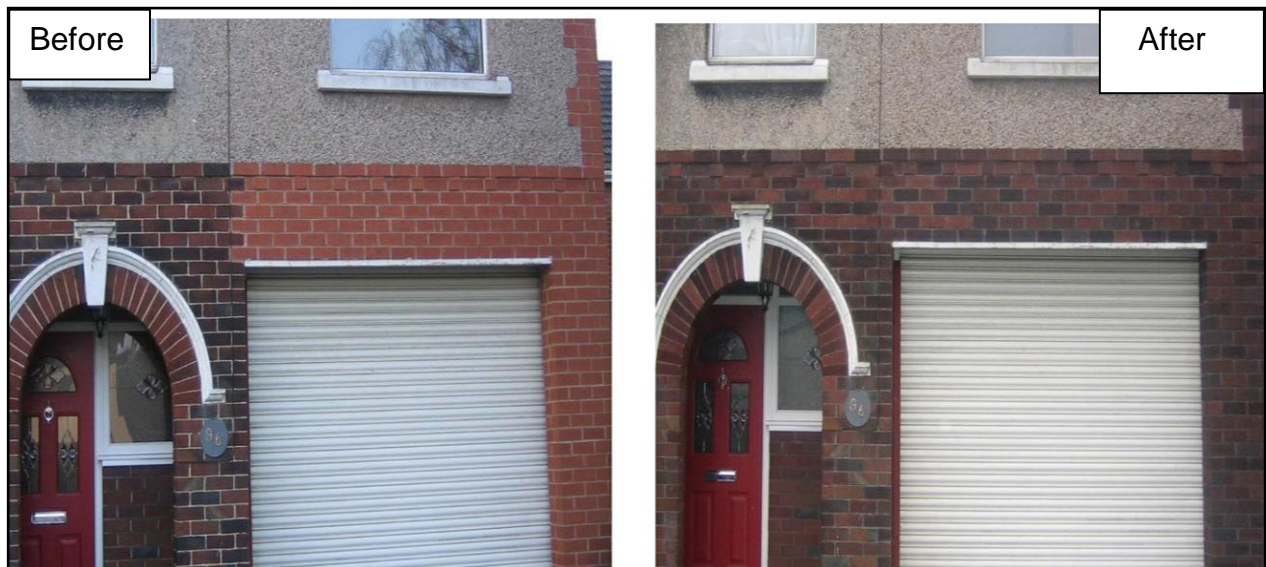
Proposed garage  
and boundary wall



No. 53 Kingston Road



To overcome these concerns the applicant is proposing to colour tint all the brick work, apart from the front boundary wall/gateposts to ensure that it resembles the colour of the original other *Shirley Houses*. The tinting would be undertaken by hand by Bebbington Brick Services, recognised experts in this field, with each brick being treated individually and guaranteed for 40 years. The tinting of the bricks is considered to be an acceptable solution to the matter and its implementation would be subject to a condition. An example of the process is shown below



Given the variety of brick type and colours that make up the front boundary walls in this part of the conservation area it was not considered appropriate to require the applicant to colour tint the proposed front boundary brick wall and gateposts.

**Scale** – The original garage occupied a footprint of approximately 17m<sup>2</sup>, with a frontage of approximately 2.9 metres. The proposed garage has a footprint of 37m<sup>2</sup> and is 5.6 metres wide. Despite being noticeably larger the proposed garage is still domestic in scale and in keeping with similar structures located throughout the Didsbury St. James Conservation Area.

Given the above it is considered that the scale of the proposal would not have a detrimental impact upon the current levels of residential and visual amenity enjoyed within the vicinity of the site, nor upon the overall character of the conservation area.

**Impact on Didsbury St. James Conservation Area** – Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Didsbury St. James Conservation Area.

The Didsbury St. James Conservation Area, which lies nine kilometres south of the city centre, was designated in November 1970. It is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane, and covers an extensive area. Most of the conservation area is on level ground, but there is a slope down Millgate Lane, Kingston Road and Stenner Lane where the higher land gives



way to the lower level of the Mersey flood plain. Architectural styles vary from the Perpendicular of St James's Church to the Classical and Gothic of public buildings and of the more grandiose houses. Remnants of older and more modest houses exist in simple vernacular character.

A great variety of building materials is used in the conservation area. Most common is red brick for walls and blue slate for roofs. Stone dressings, in conjunction with brickwork, are used extensively, and several buildings are built entirely of stone, notably the two churches. The whole of the conservation area, with the exception of playing fields, is well wooded. The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area.

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP policy DC18, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials. In terms of informing the character and form of new development in the area, it is considered that careful consideration should be given to the existing character of the area including the size, mass and appearance (including materials) of the older buildings.

The proposed garage is similar in design and scale to other domestic garages found throughout the Didsbury St. James Conservation Area and the use of brick and tile in its construction is welcomed over the use of more modern materials such as pre-cast concrete or cladding. Similarly the use of brick along the front boundary is a common feature in the conservation area and a number of the neighbouring properties have had similar work undertaken recently. If no. 53 Kingston Road was an individually designed property the use of the Weathered Pre-War Common brick in the construction of the garage and boundary wall would not be contentious. However, this property is one of a series of identically designed properties built for a specific client in the 1920's, i.e. The Shirley Institute, and the remaining dwellings have all retained their original brickwork and on the whole remain unchanged, resulting in a recognised feature of this part of the conservation area.

It is believed that without the colour tinting referred to earlier the appearance of the proposal would have a detrimental impact upon character of the conservation area. However, it is considered that the proposed colour tinting would ensure that the proposed garage would more closely resemble the original *Shirley Houses* and for this reason it is considered that the proposal results in "less than substantial harm" upon the character and setting of the Didsbury St. James Conservation Area. As has been stated earlier, given the variety of brick type and colour used in the construction of front boundary walls along Kingston Road it is not considered necessary in this instance to require the colour tinting of the proposed boundary wall/gateposts.

It is acknowledged that the proposed garage has a larger footprint than the original garage (37m<sup>2</sup> as opposed to 17m<sup>2</sup>). However, given that no. 53 Kingston Road occupies a larger footprint than the neighbouring dwellings the feeling of spaciousness is retained and as a result the character of the conservation area remains unaltered.

The provision of hardsurfaced areas at the front or side of dwellings for the parking of cars is also a feature of the conservation area and as such it is not considered that the provision of a new driveway in this instance would harm the character of the Didsbury St. James Conservation Area.

**Public Benefit of the Proposal** – Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, in this case the Didsbury St. James Conservation Area, this harm should be weighed against the public benefits of the proposal.

It is acknowledged that if left untreated the bricks used in the construction of the front and side elevations would have a detrimental impact upon the character of this conservation area and upon the levels of visual amenity enjoyed along Kingston Road. In treating these elevations it is recognised that no. 53 Kingston Road would more closely resemble the remaining *Shirley Houses*, which would be of a positive benefit to the character of the conservation area. The proposed scheme also has the public benefit of overcoming the harm caused by the inappropriate materials without the need for future disruption from the demolition of the outer walls of the main house and the additional impacts from the construction process.

**Impact upon the nearby Listed Building** – The proposal would have no physical or visual impact upon the nearby listed building, namely The Towers and no. 40 Kingston Road, given that they are both approximately 95 metres away.

**Visual Amenity** – Concerns have been raised about the proposed brick used in the construction of the garage and brick wall. While they do match the rebuilt elevations of the dwellinghouse, both they and the proposed garage and boundary wall do not match the colour of the remaining *Shirley Houses*. It is for this reason, as described earlier, that the applicant is proposing to colour tint the proposed garage, and the main house under application 124320/FH/2019 (item 7 on this agenda), so that it more closely resembles the colour of the original brickwork used in the *Shirley Houses*.

Given the design and siting of the proposed garage and the proposed tinting of the brickwork, it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

The proposed boundary wall and associated gateposts are similar in scale to those seen elsewhere along this stretch of Kingston Road, as such it is not considered that they too would have a detrimental impact upon visual amenity. Given the variety of front boundary walls along this stretch of Kingston Road it is not considered necessary to require the applicant to colour tint the proposed brick wall and gateposts.

In terms of the proposed driveway, the original proposal did include a larger amount of hardsurfacing which was considered unacceptable in terms of visual amenity and impact upon the conservation area. However, this was reduced in size to that now before the committee. As can be seen from the proposed layout shown on page two of this report the amount of garden area that would remain would ensure that the

overall of the character of the Didsbury St. James Conservation Area remains unharmed.

**Trees** – No trees are required to be felled to facilitate the proposed garage, brick wall/gates or driveway. An Ash tree was located adjacent to the previous garage but consent to fell that tree was granted under application 120271/TPO/2018 in June 2018, subject to its replacement with a Beech tree in the front garden. An oak tree and beech tree are proposed to be planted to compensate for the loss of the trees under tree consents 117932/TCA/2017 and 120271/TPO/2018.

**Ecological Impact of the Tinting Solution** – Concerns have been raised about the impact of the brick tinting process and the chemicals to be used. The tinting solution would be applied by brush, rather than by spraying, and this would ensure that its dissipation throughout the atmosphere is limited. In addition, it should be noted that when diluted the soluble silicates in the tinting solution are indistinguishable from naturally dissolved silica. Given this, it is acknowledged that the tinting solution would not have any far reaching effects on the wider environment.

**Pedestrian and Highway Safety** – While the access to the proposed garage is on a slight bend it should be noted that this was the access to the previous garage on the site. The additional driveway is located to the south of this slight bend and given its domestic nature would not generate significant comings and goings to the property.

Given the above and the fact that Highway Services have not raised any objections, it is not considered that the provision of a garage and creation of an additional driveway would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along Kingston Road.

**Drainage** – The applicant has confirmed that a drainage channel would be installed along the front of the proposed driveways to prevent water running onto the pavement.

## **CONCLUSION**

It is recognised that the *Shirley Houses* are a feature of the conservation area and that they offer a unified frontage on this section of Kingston Road. It is also acknowledged that if the bricks were left untreated the proposal would have a detrimental impact upon the character of the conservation area. However, given that the design and siting of the proposal is considered acceptable and the bricks used in their construction are to be colour tinted to match the neighbouring dwellings, it is considered that this proposal does not compromise the setting of the *Shirley Houses* nor impact upon the overall character of the Didsbury St. James Conservation Area and as such the development results in “less than substantial harm”.

**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 to resolve any problems arising in relation to 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 and documents:

- a) Drawing no. RAD/1868/18/1/A, stamped as received on 18<sup>th</sup> September 2019
- b) Drawing no. RAD/1868/18/3 rev B, stamped as received on 21<sup>st</sup> December 2018
- c) The Brick, Masonry and Mortar Weathering Tint Product Data Sheet (Bebbington Brick Services), stamped as received on 23<sup>rd</sup> July 2019.

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

3) a) Within two months of the date of this permission a sample panel of treated brickwork shall be prepared on site and shall be inspected by the Local Planning Authority.

b) Any required changes following the inspection shall then be carried out within a further one Month period and again inspected by the Local Planning Authority.

c) The agreed final finish shall then be approved in writing by the Local Planning Authority and the remainder of the garage shall then be finished in accordance with the agreed details within a further three month period. The finish shall then be retained at all times thereafter.

Reason – In the interests of visual amenity and to protect the character of the Didsbury St. James Conservation Area, pursuant to Policies DM1 and EN3 in the Manchester Core Strategy.

4) All works to the highway hereby approved, i.e. dropped kerbs and pavement alterations, shall be undertaken before the development becomes operational.

Reason - In the interests of pedestrian and highway safety, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no garage shall be used for any purpose which would preclude its use for the parking of a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions or elevational alterations (including painting or rendering) to the garage hereby approved shall be erected without the express consent of the City Council as local planning authority.

Reason – In the interests of visual amenity and to protect the character of the Didsbury St. James Conservation Area, pursuant to Policies DM1 and EN3 in the Manchester Core Strategy.

7) The replacement tree planting scheme approved by the City Council as local planning authority shown on drawing ref RAD/1868/18/1/A, stamped as received on 18<sup>th</sup> September 2019, shall be implemented not later than 12 months from the date of completion of building works. 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 replacement tree planting 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 Manchester 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: 121460/FH/2018 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:**

Highway Services

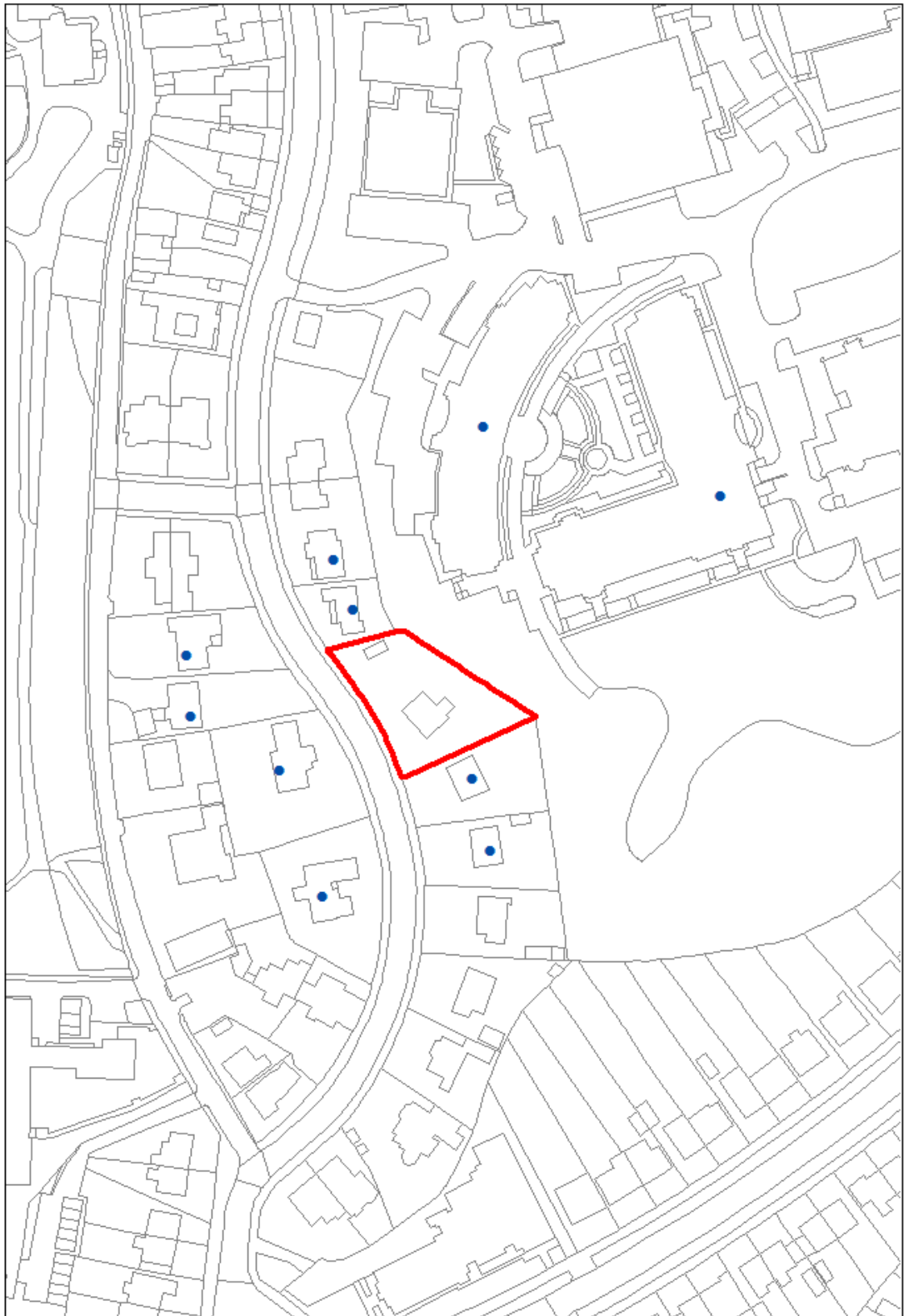
**A map showing the neighbours notified of the application is attached at the end of the report.**

**Representations were received from the following third parties:**

Highway Services

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





Application site boundary ● Neighbour notification  
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