

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132716/FH/2022

Date registered valid: 26 January 2022

Proposal: Erection of a single storey rear extension to form additional living accommodation

Address: 9 Whalley Avenue, Manchester, M16 8AT

Ward(s): Whalley Range Ward

Applicant: Michele Selway 9 Whalley Avenue, Manchester, M16 8AT

Agent (if any): Ms Rachel Devine 55 Whalley Road, Manchester, M16 8AF

Case officer: Katie Raw
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Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 March 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 1 February 2022

Standard consultations:

Printed: 27 January 2022 Expired: 17 February 2022

Neighbour notifications

Printed: 27 January 2022 Expired: 17 February 2022

Site notice

Posted: 1 February 2022 Expired: 22 February 2022

Press advert

Published: 1 February 2022 Expired: 22 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Within CA but no specific TPOs on site

Description of area

The application site relates to 9 Whalley Avenue within the Whalley Range ward of south Manchester. It is a 2 storey, terraced property located at the bottom of Whalley Avenue. The front of the house is made of Accrington red brick with roughcast rendering to first floor level and bands of decorative brickwork, above and below the bedroom windows. The window frames are white painted. The rectangular bay at ground floor level adjoins the adopted footway whilst the front doorway is set back within a recessed porch with a narrow flat leaded roof which extends sideways over the adjacent bay. The roofs were originally clay "Rosemary" tiles although the majority of properties have been re-roofed with concrete tiles. The rear of the house is common brickwork with white painted timber windows. A small outbuilding to the left of the kitchen window, originally accessed from within the property, sits in the south east corner of the garden and backs onto the neighbouring outbuilding at 11 Whalley Avenue.

The property is located within Whalley Range Conservation Area 1992.

Description of development

The submitted application seeks planning permission for the erection of a single storey rear extension to form additional living accommodation. The single storey rear extension would have approximate dimensions of Height: 3.3 (to the highest point) / 2.5 (to the eaves) x Length: 1.4 x

Width: 4.5 metres. The extension would infill and align with the existing outbuilding at the property.

The extension would be sited against the shared boundary line with 7 Whalley Avenue. The extension would involve the insertion of a set of patio doors and windows either side within the rear elevation of the extension, and a glazed roof.

Materials have been amended following conversations with the agent, to more closely match the materials already used within the property in the context of the Conservation Area. Materials include:

Grey anthracite UPVC framing to glazed roof, white uPVC or timber doors and windows, and brickwork (to match existing).

Planning history

No planning history exists for this property.

Consultations & Notification Responses

Local residents

Local residents were consulted and no representations were received.

Whalley Range Forum

The group was consulted, but no representations were received.

Whalley Range Conservation Area Group

The group was consulted, but no representations were received.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. 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).

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

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

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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 Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Of particular relevance is: Paragraph 199 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 200 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 201 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 202 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.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which 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. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

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 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 conservation areas.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- 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 original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

- 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 Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

Paragraph 11.45 stresses that proposals should preserve or enhance the character of the conservation area. It is important that new developments in conservation areas or elsewhere are not designed in isolation. This does not prevent or inhibit creative design. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

Paragraph 11.46 states that planning submissions within conservation areas must be supported by sufficient information to enable the Council to assess in detail the context of the area. This will include full contextual drawings, photomontage, and where appropriate, a model of the proposed development.

Listed Building Act

Section 72 provides an exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

ISSUES

Principle of development

The submitted application is for the erection of a single storey rear extension to form additional living accommodation. This is considered acceptable in principle as many people prefer to alter homes rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

As stated above, the proposal would be sited along the shared boundary with 7 Whalley Avenue and would extend 1.4 metres along the boundary. There would be a slight increase in height above the apex of the adjacent outbuilding to 11 Whalley Avenue. The extension would have a mono-pitch roof starting at 2.5m to the eaves. However, due to the positioning of no. 11, the neighbour is unlikely to experience any adverse visual impacts.

The orientation of the two properties and the pitch of the proposed extension roof mean that the increase in shade to the garden of 7 Whalley Avenue is limited to the south east corner of the garden. As such, there would be no adverse loss of light or overshadowing effects as a result of the proposal.

Due to the positioning of the rear garden facing onto a communal alleyway, the extension would be viewed from the rear gardens/ courtyards of Railton Avenue. However, due to the small nature of the proposal in length, height and the alleyway located between the rear gardens/ courtyards, there is not considered to be any overlooking or privacy implications.

The extension would involve the insertion of a set of patio doors and windows either side within the rear elevation of the extension, and a glazed roof. No windows would be inserted in the side elevation of the extension and as such no overlooking implications would occur. A condition shall be attached to any approval granted restricting the further insertion of windows or doors beyond those approved by this consent.

In terms of the impacts to the streetscene, as the proposal is sited to the rear of the property, which is only accessible by an alleyway, there would be no impact.

Overall, it is not considered that the proposed rear extension would have an adverse impact upon residential or visual amenity.

Design and Appearance

The proposed extension has been designed sympathetically to relate to the existing property, as the bricks would match existing and the windows and doors would match those within the host property. The grey glazed roof would be different to materials within the host property, but would match with the grey slate that the outriggers in this area were traditionally roofed in. A materials condition to that effect would be attached to any consent granted. Therefore, the proposal has been designed to be in keeping with the character of the existing house and would not adversely affect the appearance of the existing dwelling.

The proposed extension would have a rearward projection of 1.4 metres along the boundary. This is considered small in scale, as it is substantially below the rearward projection stated within Policy DC1.3 of the UDP. Therefore, the siting, scale and form of the extension is considered appropriate.

Although the residents would lose amenity space to the rear of the property, the reduction in rear amenity space would create additional living accommodation to meet the changing residential needs of the family.

Trees

The proposals indicate that the proposed works would sit outside of the root protection area of the Eucalyptus tree within the rear garden. It is not considered that the proposals would give rise to unacceptable impacts on the identified tree.

Car parking

Car parking is provided at the on street at the front of the property and so would be unaffected by this proposal.

Bin storage

At the time of the site visit, bins were stored within the communal alley and so would be unaffected by this proposal.

Whalley Range Conservation Area

The property dates back to 1905, mid-Edwardian period and was a later addition to the development of the Whalley Range suburb which commenced in 1832. The property is viewed in the context of the wider Conservation Area. The cul-de-sacs of both Whalley and Railton Avenues form a set piece on Whalley Road fronted by three terraces between and either side of the Avenues facing Whalley Road. The front of the house is Accrington red brick with roughcast rendering to first floor level and bands of decorative brickwork, above and below the bedroom windows.

UDP Policy 18 considers the relationship of new structures to neighbouring buildings, in relation to conservation areas. The rear extension would have a limited impact on the neighbouring properties due to its siting and size. With regards to the proposal, it would have a limited impact on the appearance of the existing building and would only be viewed from the communal alley, conserving Whalley Avenue within the conservation area. The extension has been designed sympathetically to relate to the host property and the conservation area. Therefore, it is not considered that the development would undermine the residential character of the Whalley Range Conservation Area due to the siting of the development and proposed materials. On balance, it is considered that the proposed development would cause the lower end of less than substantial harm to the conservation area and therefore would be in accordance with, relevant policies and the tests within the NPPF with public benefits outweighing any harm.

Paragraph 207 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance. It is considered that the host building makes a small contribution to the character of the conservation area. The main body of the application property is visible in the main from the front of the property, whilst the rear is set into a private garden.

Paragraph 197 of the NPPF states that the following should be taken into account when determining applications that affect heritage assets.

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The proposed development involves the erection of a single storey rear extension to form additional living accommodation. Whilst it is considered that the frontage of the host building makes a significant contribution to the character of the conservation area, the rear of the property is only viewed by occupiers of the adjoining dwellinghouses, or residents walking along the communal alley. Therefore, the rear extension is considered to cause the lower end of less than substantial harm to the character of the conservation area.

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

With the extension positioned to the rear of the property, any harm would be minimised. The extension would increase benefits to the residents by accommodating their growing needs to create sustainable communities.

c) the desirability of new development making a positive contribution to local character and distinctiveness;

Materials used would be sympathetic to the host property and the conservation area.

Paragraph 197 states, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As stated above, it is considered that the proposed works would have less than substantial harm on the character of the conservation area with the host building only having a very limited contribution to that character. The public benefits of the scheme are considered to outweigh any limited harm.

Paragraph 202 states, 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.

Whalley Range Conservation Area has seen recent and more modern additions and interventions. Recent extensions are not out of keeping with the context and overriding character of the conservation area. It is considered that the proposal would be low level of less than substantial harm to the conservation area. This low level of harm is outweighed by the benefits of the scheme. In this instance, the rear extension would be a small addition to the conservation area, which has been designed with the materials of the conservation area in mind.

Conclusion

The proposed development does not create any significant impacts in terms of visual or residential amenity. The design, size, position, and appearance are in keeping with the character of the property and local area. The proposal complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1 of the Unitary Development Plan.

Human Rights Act 1998 considerations

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

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

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner.

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

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:

- Householder Application for Planning Permission for works or extension to a dwelling, stamped as received by the City Council as Local Planning Authority on 18 January 2022.
- Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 18 January 2022.
- Drawing- Existing and Proposed- Plans, stamped as received by the City Council as Local Planning Authority on 22 March 2022.
- Heritage Statement, stamped as received by the City Council as Local Planning Authority on 22 March 2022.

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) 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 openings, including windows and doors, shall be inserted within the elevations

of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used on the external surfaces of the extension hereby permitted shall be implemented in accordance with the approved details as set out in the drawings and documents specified in Condition 2 of this approval.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Whalley Range Forum

Whalley Range Conservation Area Group

12 Railton Avenue, Manchester, M16 8AU

10 Railton Avenue, Manchester, M16 8AU

7 Whalley Avenue, Whalley Range, Manchester, M16 8AT

11 Whalley Avenue, Whalley Range, Manchester, M16 8AT

8 Railton Avenue, Manchester, M16 8AU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Conservation Area - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH