

Delegated officer report for planning application

Date of recommendation: 22.11.2021

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5th August 2021

Standard consultations:

Printed: 17 May 2021 Expired: 7 June 2021

Neighbour notifications

Printed: 8 September 2021 Expired: 18 September 2021 (2nd round)

Site notice

Posted: 17 May 2021 Expired: 7 June 2021

Press advert

Published: 25 May 2021 Expired: 15 June 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a two- storey brick built mid terraced dwellinghouse of some character located within the Graver Lane Conservation Area in Newton Heath, Manchester. The property sits within a row of similar terraces with bay windows and low brick front boundary walls with railings above. There is a gated alleyway to the rear off which is taken the rear access into the garden area. This is enclosed by a high brick wall with coping stones on top.

The property itself occupies an 'L' shaped footprint with an original outrigger.

Listed building: Not applicable

Conservation area: Graver Lane Conservation Area 2005

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature comprising of properties of a similar age and footprint to the proposal site

Description of development

The proposal is for the erection of a single storey partial infill extension. It would project 4m along the common boundary with number 6 Rupert Street bringing it in line with the rear building line of the existing property. This element has a flat roof with a large glazed panel within the roof and has a width of 1.78 m this then dog legs towards number 10 Rupert Street with the existing outrigger projecting a further 2.15 m. This element has a mono-pitch roof and it sits in line with the neighbouring property to create a dual pitched roof when viewed across the 2 properties. The materials to be used would match those of the existing property. It would provide additional living accommodation in the form of an extended kitchen.

Consultations & Notification Responses

Local Residents were informed- no representations have been received

Environmental Health- no objections the submitted proprietary gas membrane details are considered acceptable, and as such just a condition requiring the installation to be in accordance with the approved details is required.

Issues

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, the NPPF states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted. Relevant sections of the NPPF to this application are:

Chapter 16: Conserving and enhancing the historic environment Paragraph 193 - 202- 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.

Paragraph 193. 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 192. 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.

Manchester Core Strategy LDF (adopted 2012)

Policy DM 1 - Development Management

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.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN3- relates to heritage and 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, 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.

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

DC18.1 - 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.

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 Council is to pursue the above policies to encourage and help ensure the protection, preservation and enhancement of its Conservation Areas. The protection of such areas helps stimulate local pride and encourages both tourism and further investment. The policy gives effect to the obligation placed on the Council by statute to give particular attention to the quality of developments within conservation areas and reflects the general policy objectives.

Design appearance scale and massing

The proposal is similar in appearance to many other extensions within the vicinity of the proposal site. The design is common in this type of infill extension, and relates sympathetically to the host property, with both elements remaining subservient when viewed within the context of the rear elevation of both the proposal site and the neighbouring properties, and with both the flat roof and the mono-pitch roof to the ground floor it reduces the massing on the boundary with the neighbouring properties. The materials will match those of the existing property and the extension would relate well in all aspects to the host property.

Given the high brick boundary walls, the extension would not be readily viewed from the rear alleyway, and due to the position of the property mid terrace, it would not be viewed at all from Rupert Street to the frontage.

Residential Amenity- The design has been carefully considered to reduce the massing along both common boundaries, and there are no windows proposed in the side elevations thereby removing any perception of loss of privacy or overlooking. The extension proposed is modest in size and there is sufficient external amenity space retained for the occupants of the property. The proposed extension with the flat roof does not extend much above beyond the existing brick boundary wall and is not overbearing. It is not considered that the proposed extensions would result in a detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties.

Visual Amenity- The proposal is very similar to other developments that have been carried out within close proximity to the proposal site and within the Graver Lane Conservation Area. The materials and the punctuation of the fenestration matches that of the existing property and remains both subservient and sympathetic to the host property. It cannot be viewed within the context of the street scene from the Rupert Street frontage, and as such does not result in a detrimental impact upon the visual amenity of the area nor of the neighbouring properties.

Impact on Conservation Area

Paragraph 193 of the NPPF 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."

The works proposed cannot be seen from the public realm, and can only be viewed from within the private gated areas that run to the rear of the properties. As such the design of the development would have a neutral impact on the Conservation Area and therefore the development is acceptable when considering the balance of harm caused to the heritage asset.

Highways Impacts

There is no dedicated parking with the property, and as such there is no impact upon the existing situation, it is therefore in accordance with Core Strategy Policy DM1.

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

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. No significant problems have arisen during the consideration of this application.

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:

446-01 existing site and location plan

446-02- Existing ground floor plan

446-03- Existing roof plan

446-04- Existing Elevations all received 4th May 2021

446-05A proposed site plan

446-06A- Proposed Ground Floor Plan

446-07A- Proposed Roof Plan

446-08A Proposed Elevations- all received 7th September 2021

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

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

3) The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form/drawings in type, size, colour and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy.

4) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

5) The details of the design and specification of the proposed proprietary gas membrane that were submitted by email dated 14th of October 2021 and subsequently approved shall be implemented as per those approved details, in order to alleviate any possibility of landfill gas ingress to the building.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to policies DM1 and EN18 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

6 Rupert Street, Manchester, M40 1QU
10 Rupert Street, Manchester, M40 1QU
4 Rupert Street, Manchester, M40 1QU
47 Hulmes Road, Manchester, M40 1GP
12 Rupert Street, Manchester, M40 1QU

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Graver Lane Conservation Area 2005
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1