

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131566/FH/2021

Date registered valid: 13 September 2021

Proposal: Erection of an elevated front decked area with railings, demolition of existing single storey rear extension and erection single storey rear extension, including formation of a separate raised balcony and railings to the western elevation

Address: 15 Rushford Avenue, Manchester, M19 2HG

Ward(s): Levenshulme Ward

Applicant: Mr Charlie Winstanley 15 Rushford Avenue, Manchester, M19 2HG

Agent (if any): Barry Cullen Flat 27, Brookside Court, 101 Slade Lane, Manchester, M19 2AH

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 February 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 21 September 2021

Standard consultations:

Printed: 16 September 2021 Expired: 7 October 2021

Neighbour notifications

Printed: 20 January 2022 Expired: 30 January 2022

Site notice

Posted: Expired:

Press advert

Published: 21 September 2021 Expired: 12 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Rushford Park Conservation Area 1986

Tree Preservation Order:

Description of site / building / area

The planning application relates to a distinctively green coloured rendered - (non original), part 2 storey, part 3 storey semi-detached dwellinghouse with existing dilapidated single storey rear extension - (non original) projecting off an existing rear outrigger. Immediately behind the rear of the existing dilapidated single storey rear extension is a part-built breeze block structure - (non original). The application property is located in Rushford Park Conservation Area and within a residential context. In terms of amenity space, the application property is characterised by elongated front and rear gardens which is consistent with most of the other properties along Rushford Avenue and Park Grove respectively.

Description of development

The originally submitted proposal related to erection of an elevated front decked area with railings, alteration to existing rear extension involving raised internal floor levels, formation of a single storey parapeted roof and new doors to the western elevation with associated steps to garden and formation of a separate raised balcony and railings to the western elevation.

The agent was advised early on during the planning application process that the initially submitted plan was unacceptable in its current form by virtue of the proposed depth of elevated front decked area, associated privacy matters involving the proposed formation of a single storey rear extension with parapeted roof, and new doors to the western elevation with associated steps to garden.

Revised plans were subsequently submitted, (dated 19/01/2022). The title description of the proposal has also been amended to erection of an elevated front decked area with railings, demolition of existing single storey rear extension and erection single storey rear extension, including formation of a separate raised balcony and railings to the western elevation) to reflect the changes. The revised plans would comprise of:

- o The depth of the proposed elevated front decked area with railings has been reduced in depth (not exceeding 2500mm). The proposed elevated front decked area with railings would measure approximately, (depth 2500mm x width 5850mm x maximum height 1328mm).
- o The proposal would also involve demolition of the existing single storey rear extension and in-part using the same footprint, it is proposed to erect a slightly larger single storey rear extension with pitched roof configuration. The proposed new extension would have four windows along the roof plane, windows along the rear elevation, and further windows and door facing the common shared boundary with no. 17 Rushford Avenue, and would measure approximately, (length 6040mm x width 4339mm x maximum height 3409mm).
- o The initially proposed increase to internal floor levels has been reduced.
- o The initially proposed elevated steps along the side elevation of the proposed single storey rear extension have been significantly reduce in number.

Consultations & Notification Responses

1. Neighbours

Occupiers of properties surrounding the application site were notified of the proposal.

The following comment/objection/representation was received:

The resident raised no objections to the changes proposed to the front of No 15 Rushford Ave and had no objections to a more permanent extension to the rear of the property. However, they raised concerns in relation to the mass of the originally submitted scheme. They stated that the existing single storey rear extension was erected many years ago without planning permission and is not typical of the conservation area, and had there been no structure in situ they would have had concerns , but as the new structure has similar dimensions to the existing structure, regard has to be given to what is currently in situ and they consider that there would be historic justification for a building in this position."

Furthermore, they advise they would have no objections to a properly build extension, using appropriate materials for the conservation area, but has concerns that the proposed development would much taller than the existing structure and would reduce light to their garden. The current 'lean-to' is built up to but not higher than the party/boundary wall and the roof slants gently upwards in a way that doesn't affect how the sun lights their garden. They advised when they purchased their home in 2006 they had agreed with the previous occupant (who had erected the lean-to) that they would erect a slatted fence to a foot above the

party/boundary wall with the intention that this would allow climbing plants to provide an aesthetic feature for both gardens whilst not blocking the sunlight.

The proposed extension does not stop at the height of the party/boundary wall but rises many feet above it. The roof is flat and not slanted and the effect will be to place a greater proportion of their garden into shade and face them with a high wall of bricks where previously there was light allowing for climbing plants.

They requested a visit to their property in order for the impact of the proposed rearward extension to be fully assessed.

Following revised plans, occupiers of properties surrounding the application site were re-notified. No comments, objections or representations were received.

2. Environmental Health

No comments regarding the application on this occasion.

3. Ecology

Having examined the site plans and their biological records there appears to be low risk of the proposals to bats, given the minimal impact on the roof space.

Planning guidance advises that protected species surveys should only be required where there is a reasonable likelihood of the species being present, and impacted upon by the proposals. Therefore, in this instance, it is not considered reasonable to require a bat survey to be submitted to support the application.

However, bats and their roosts are protected by law, and can and do turn up in unexpected places.

An informative should therefore be used so that the applicant is aware of the legal protection that certain species such as bats receive, and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately, and an ecologist/LPA should be contacted.

POLICIES

The following policies are considered relevant in the consideration of this application.

1. Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Listed Building Act - Provides that in the 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.

2. The National Planning Policy Framework (NPPF), (July 2021)

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. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

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, paragraph 10 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.

The Framework has been related to the proposed development, with particular emphasis given to the following:

A. Chapter 12: Achieving well-designed places

Chapter 12 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126). Paragraph 130 further states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

B. Chapter 16: Conserving and enhancing the historic environment

Paragraph 194 - States that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 197 - States that 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.

3. Planning Practice Guidance (6 March 2014)

The Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG:

- o Consultation and pre-decision matters (ID:15);
- o Design (ID:26) - Good quality design is considered to be an integral part of sustainable development;
- o Health and well-being (ID:53).

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

- o Policy EN3 (Heritage)
- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy T2 (Accessible areas of opportunity and need)

5. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- o Policy DC1 (Residential Extensions)
- o Policy DC18 (Conservation Areas)

6. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

- i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principles have been satisfactorily incorporated into the development.
- ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

ISSUES

Principle

The principle of the development is acceptable, and the planning system accommodates this demand to extend, improve and make alterations to dwellinghouses, 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. In this instance, the key issues for this application are the impacts on visual and residential amenity.

Residential and visual amenity

Impact of works (Erection of an elevated front decked area with railings, demolition of existing single storey rear extension and erection single storey rear extension, including formation of a separate raised balcony and railings to the western elevation) - The originally submitted scheme was been revised following concerns raised with the planning agent. The depth of the proposed elevated front decked area has been reduced to 2500mm; the proposed rear extension would in part following the floorplate of the existing extension , but be slighter larger , and taller, with a shallow pitch roof configuration and a revised internal floor levels lower than initially proposed, with the associated reduction in the number of steps to the patio doors in the side elevation. It is considered that the proposed development has been appropriately related to the existing house and neighbouring properties . It is not considered that the development would unduly impact upon neighbouring houses due to the existing separation distance and arrangement of space between them. Moreover, given the size and scale of the existing single storey rear extension (length 5971mm x width 4337mm x height 3505mm), the new extension at approximately (length 6040mm x width 4339mm x maximum height 3409mm); the increase in height of the structure adjacent to the neighbouring garden boundary would not be significant, and any resultant reduction to levels of sunlight would not give rise to adverse impacts such as to warrant the refusal of planning permission .

Furthermore, it is considered the revised design has been appropriately related to the existing house and conservation area to thereby accord with chapter 12 of the (NPPF). In this instance, it is also considered that the revised development suitably reflects the composition of the existing house to thereby maintain its relationship to the surrounding conservation area.

Impact of works (Design and appearance) - In light of the revised plans, the design is satisfactorily related to the original house. In addition, the proposed development would not be readily visible from the immediate highway, only being seen by the occupiers of the immediate site; specifically, those at nos. 13 and 17 Rushford Avenue and therefore it is not considered that the proposed development would unduly harm the character of the building or the general area, or unduly harm residential amenity and would be acceptable in design terms.

Impact of works - (Car Parking) - No impact on existing arrangement.

Impact of works (Waste Management) - The existing arrangement would be unaffected.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to Planning (Listed Buildings and Conservation Areas) Act 1990; The National Planning Policy Framework (July 2021); policies EN3, SP1, DM1, EN1, T2 and EN19 of The Manchester Core Strategy Development Plan Document (July 2012); saved policy DC1 and DC18 of the Unitary Development Plan (1995); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

Objectors' Comments - In terms of planning comments raised by the objector, these have been duly considered in the issues section above. In addition, following revisions to the initially submitted plans, neighbours were re-notified, and no further comments, objections or representations were received. It is therefore anticipated the planning comments raised by the objector have been overcome through revised plans.

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. In this instance revised plans were subsequently submitted, (dated 19/01/2022) and the title description of the proposal has also been amended to reflect the revisions to the initially submitted plan. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

- Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 19 January 2022.
- Site Plan, REFERENCE NO: 1277 SITE PLAN 2, received by the City Council as the Local Planning Authority on 19 January 2022.
- Existing and Proposed Plans and Elevations, REFERENCE NO: 1277 PROPOSAL 2, received by the City Council as the Local Planning Authority on 19 January 2022.
- Email from agent dated 8th February 2022.

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 external facing materials to be used on the extension hereby permitted shall match those of the existing building in terms of type, colour, texture, scale, pointing and coursing and as stated on the approved drawings.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, 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 (2012) .

4) The railings to the raised deck area to the front elevation and the reinstated deck area to the western elevation , coloured black in accordance with the email from the planning agent dated 8th February 2022.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, 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 (2012).

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 windows or doors shall be inserted into the elevations of the development hereby approved other than those shown on: Existing and Proposed Plans and Elevations, REFERENCE NO: 1277 PROPOSAL 2, received by the City Council as the Local Planning Authority on 19 January 2022.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy SP1 and DM1 of the Manchester Core Strategy (2012).

6) Before first occupation of the development thereby approved, the proposed window along the western side gable elevation of the rear extension as shown on: Existing and Proposed Plans and Elevations, REFERENCE NO: 1277 PROPOSAL 2, received by the City Council as the Local Planning Authority on 19 January 2022 shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012).

7) 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 part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) The applicant should be mindful of the legal protection that certain species such as bats receive, and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately, and an ecologist/Local Planning Authority should be contacted.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Ecology Unit

Flat 32, Rushford Court, Rushford Avenue, Manchester, M19 2FE
22 Park Avenue, Manchester, M19 2EE
13 Rushford Avenue, Manchester, M19 2HG
11 Rushford Avenue, Manchester, M19 2HG
Park House, 18 Park Avenue, Manchester, M19 2EE
20 Park Avenue, Manchester, M19 2EE
17 Rushford Avenue, Manchester, M19 2HG
Flat 10, 18 Park Avenue, Manchester, M19 2EE
Flat 7, 18 Park Avenue, Manchester, M19 2EE
19 Rushford Avenue, Manchester, M19 2HG
Flat 12, 18 Park Avenue, Manchester, M19 2EE
Flat 11, 18 Park Avenue, Manchester, M19 2EE
Flat 9, 18 Park Avenue, Manchester, M19 2EE
Flat 8, 18 Park Avenue, Manchester, M19 2EE
Flat 6, 18 Park Avenue, Manchester, M19 2EE
Flat 5, 18 Park Avenue, Manchester, M19 2EE
Flat 4, 18 Park Avenue, Manchester, M19 2EE
Flat 3, 18 Park Avenue, Manchester, M19 2EE
Flat 2, 18 Park Avenue, Manchester, M19 2EE
Flat 1, 18 Park Avenue, Manchester, M19 2EE
24 Park Avenue, Manchester, M19 2EE

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 - Rushford Park Conservation Area 1986
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2