

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 132233/FH/2021

**Date registered valid:** 29 November 2021

**Proposal:** Erection of front canopy over porch and bay window following partial removal of existing canopy

**Address:** 19 Devon Avenue, Manchester, M19 2JH

**Ward(s):** Burnage Ward

**Applicant:** Mr Nasir Iqbal 19 Devon Avenue, Manchester, M19 2JH

**Agent (if any):** Mr Gordon Kenyon Kenyon Planning First Floor , 1 Queensway, Congleton, CW12 1SG

**Case officer:** Sue Wills  
Tel: 0161 234 4524  
Email: sue.wills@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 17 January 2022

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:**

### **Standard consultations:**

No consultations have been printed and sent.

### **Neighbour notifications**

Printed: 2 December 2021 Expired: 23 December 2021

### **Site notice**

No site notice has been produced

### **Press advert**

No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

The application property is a semi-detached dwellinghouse with a bay window at ground floor level on the front façade, situated at the head of a turning circle in a short cul-de-sac ( Devon Avenue ) off Lindsay Road within Burnage ward. The property benefits from modest levels of amenity space to the rear , and a small hard surfaced front garden area at the back of pavement . There is no boundary treatment to the back of pavement, but boundary treatment along the side and rear elevations of the curtilage of the dwellinghouse.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## **Site Planning History**

- o 127027/FH/2020 - Retention of front porch and canopy. 19 Devon Avenue. Refused 03.11.2020.
- o 124290/FH/2019 - Proposed erection of a single storey side extension and single storey rear extension to form additional living accommodation, Approved 21.10.2019
- o 122901/FH/2019 - Part single storey part two storey side extension and single storey rear extension, Refused 03.07.2019

## **Background**

The Council issued an enforcement notice on 17th December 2020 alleging that a front porch and canopy, together with a single storey side/rear extension , has been erected without planning permission. The owners of the property subsequently lodged an appeal against the

notice which was dismissed by the Secretary of State on 28th July 2021. However, in dismissing the appeal the appointed inspector varied the notice to say that the porch could remain, and allowed six months to comply with the notice.

### **Description of area**

The area where the dwellinghouse is located is wholly residential.

### **Description of development**

Consent is sought for the erection of front canopy over porch and bay window following partial removal of existing canopy.

The existing canopy and supporting pillars are unauthorised and form part of an enforcement notice which requires the occupier of the dwellinghouse to remove them.

The proposed canopy would be reduced in depth and width, in regard to the unauthorised structure currently in situ, and would no longer be supported by the columns which are currently in situ. The canopy over the bay window would be 750mm in depth from the existing front façade of the house. The depth of the proposed canopy would increase in depth to 1000mm over the retained porch. The canopy would be limited in length to above the existing porch and existing bay window to the original house. The proposed canopy would be supported by gallows brackets.

### **Consultations & Notification Responses**

Local residents - 4 emails have been received from local residents. The letters refer to enforcement action in relation to unauthorised works at the dwellinghouse, and raise concerns that the occupier of the dwellinghouse has undertaken works did not accord with their planning permission, and effectively building the development and applying afterwards. They feel this sets a bad precedent for all residents who have followed the correct procedures when building onto their property, and encourages others to follow suit. They feel that the matters required by the enforcement notice served on the occupier in August 2021, should still be actioned. They remain of the view that the extension that has been built needs to either be demolished or revised to accord with the originally approved plans.

Two of the residents have advised that as some properties in the street and area have erected canopies over the porch and bay window, they feel that it would be acceptable for the council to consider the application for such an amendment, provided that design is in keeping with the proportions and aesthetics of neighbouring properties within the area and street.

One of the residents has drawn attention to the enforcement notice regarding the unauthorised building of the side/rear extension, and understands this action would not be affected by this application. They state that the extension which has been built needs to be in accordance with the originally approved plans, and that associated fencing and rainwater goods need to be reinstated to their former location.

Another of the residents has also written to state the applicant has no respect for Manchester Building Control or his neighbours, that he has upset and angered. They feel that the decision to build first and apply later makes a mockery of the planning system and building regulations, and that this type of behaviour sets a bad example others. Another comment has been received expressing the view that the Council should have complete oversight of all planning applications

in advance of works commencing , and not be put in a difficult situation to approve works after they have been implemented.

## **Issues**

### **Policy**

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

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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Notwithstanding the requirements within the National Planning Policy Framework, an assessment of the impact of the proposal needs to be considered within the context of other documents as outlined below:

Manchester Core Strategy

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

Regard should be given to:

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 or income, and; protecting and enhancing the built and natural environment.

Policy DM1 (Development Management) says that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Of relevance in this instance are: appropriate siting, layout, scale, form, massing, materials and detail. Impact on the surrounding areas should be considered 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. In terms of accessibility, buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. There should be regard for community safety and crime prevention. Adequacy of internal accommodation and external amenity space, including refuse storage and collection and vehicular access and car parking must be assessed. The effects relating to biodiversity, landscape, archaeological or built heritage, including green infrastructure, open space, both public and private must be given due consideration. In addition, flood risk and drainage, including existing or proposed hazardous installations will be assessed.

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.

Unitary Development Plan Saved Policies:

Large elements of the UDP have been superseded by the Core Strategy. Saved policies DC1.1, DC1.2, DC1.3 and DC1.4 which relate to determining planning applications for extensions to residential properties are of relevance in the consideration of this application.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

In addition, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 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: 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.

## Issues

### Principle of development

The principal of adapting of existing dwellinghouses to meet changing residential needs is accepted subject to the development positively responding to Core Strategy policies SP1, DM1 and EN1 and saved UDP policy DC1, to ensure that any development does not adversely impact on the existing visual and residential amenities of local residents, and that the overall character of the surrounding area is not harmed.

### Visual Amenity

The proposed development relates to the erection of front canopy over the retained porch and existing front bay window following partial removal of unauthorised existing canopy located on the front façade of the dwellinghouse.

The canopy over the bay window would be 750mm in depth from the existing front façade of the house. The depth of the proposed canopy would increase in depth to 1000mm over the retained porch. The canopy would be limited in length to above the existing porch and existing bay window to the original house. The proposed canopy would be supported by gallows brackets.

The proposed canopy represents a reduction to both width and depth of the unauthorised canopy currently in, and would no longer be supported by the columns which are on site. Furthermore, the removal of the existing columns would remove a visually dominant feature in the streetscene

It is considered that the submitted proposal has been designed to be in keeping with the design and character of the existing house, would not adversely affect the appearance of the existing house, due to the context, design and siting, which accords with the advice contained in Chapter 12 of the NPPF which requires good design, and policy DM 1 of the Manchester Core Strategy 2012.

### Waste Management

The existing arrangement is unaffected by the proposed development.

### Comments by Local Residents

There have been a number of issues raised in relation to the side and rear extension approved as part of planning permission ref: 124290, not being built in accordance with the approved plans. This issue is being investigated by compliance officers as a separate matter. The porch (in its current form within the context of the canopy structure), canopy and associated columns did not form part of the design considered as part of planning approval ref: 124290.

### **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**

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. The application has been determined in accordance with the guidance contained within saved policy DC1 'Residential Extensions' of the Manchester Unitary Development Plan, the Core Strategy, the National Planning Policy Framework and all other material considerations. In this instance 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:

- o Location Plan ( Site Edged Red), received by the City Council as Local Planning Authority on 15 November 2022.
- o Plan as existing ref: 1974 / 19 / 03 rev. E , received by the City Council as Local Planning Authority on 29 November 2021.
- o Retention of porch and reduced canopy ref: 1974/19/04 rev. D received 7th January 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 (2012).

3) The roof tiles to be used on the canopy hereby permitted shall match those of the existing building in terms of type, colour, texture and scale 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 the Manchester Core Strategy (2012).

## **Appendix 1 – List of consultees & neighbours notified**

58 Burnage Hall Road, Manchester, M19 2JL  
56 Burnage Hall Road, Manchester, M19 2JL  
16 Devon Avenue, Manchester, M19 2JH  
60 Burnage Hall Road, Manchester, M19 2JL  
21 Devon Avenue, Manchester, M19 2JH  
18 Devon Avenue, Manchester, M19 2JH  
17 Devon Avenue, Manchester, M19 2JH  
15 Devon Avenue, Manchester, M19 2JH  
14 Devon Avenue, Manchester, M19 2JH  
12 Devon Avenue, Manchester, M19 2JH  
54 Burnage Hall Road, Manchester, M19 2JL

## **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  
Area Team Boundary - Name: NORTH2