

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129790/FO/2021
Date registered valid: 31 March 2021
Proposal: Erection of a two storey dwellinghouse following demolition of existing dwelling
Address: 44 Kingston Road, Manchester, M20 2SB
Ward(s): Didsbury East Ward

Applicant: Ian Weinstock 44 Kingston Road, Manchester, M20 2SB
Agent (if any): Mr Zach Thorp Thorp Design Services 2 Chatton Cose, Bury, BL8 2UE
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 24 June 2021



Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 12 May 2021

Standard consultations: Printed: 13 April 2021 Expired: 4 May 2021

Neighbour notifications Printed: 13 April 2021 Expired: 4 May 2021

Site notice Posted: 15 April 2021 Expired: 6 May 2021

Press advert Published: 20 April 2021 Expired: 11 May 2021

Departure from Development Plan: No

Environmental Statement: Not required

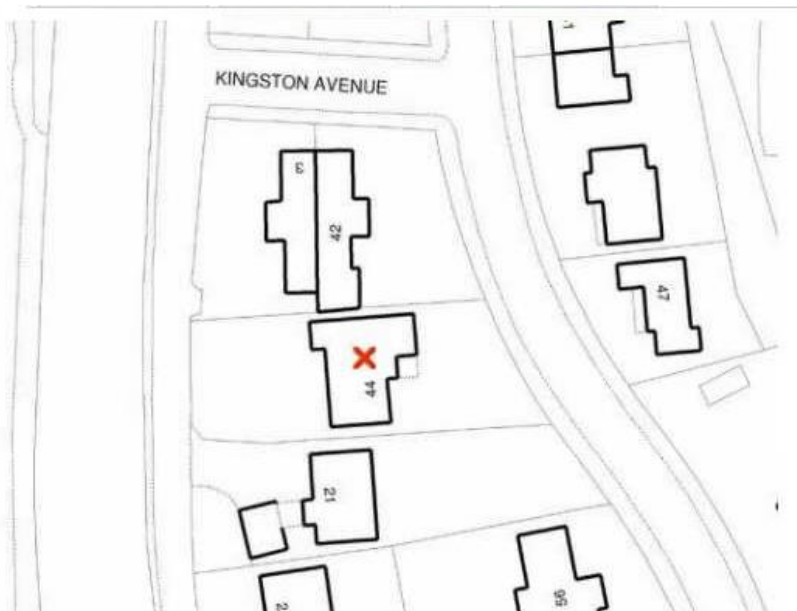
Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Not applicable

Description of site/building

The application site is a mid-late C20 detached dwelling situated on the western side of Kingston Road in the Didsbury St. James conservation area.



The property is constructed of buff brick with extensive white painted timber cladding to the first-floor front elevation and a low pitch, gable roof covered in grey tiles.

It sits in the centre of a rectangular garden plot and is horizontally orientated with picture windows to the ground floor and a row of 4no. smaller windows above.

There is a projecting, flat roof canopy over the front door which extends to a garage sited towards the northern boundary and forward of the principal elevation. This extends

along the side elevation and to the rear to form a small single storey extension.

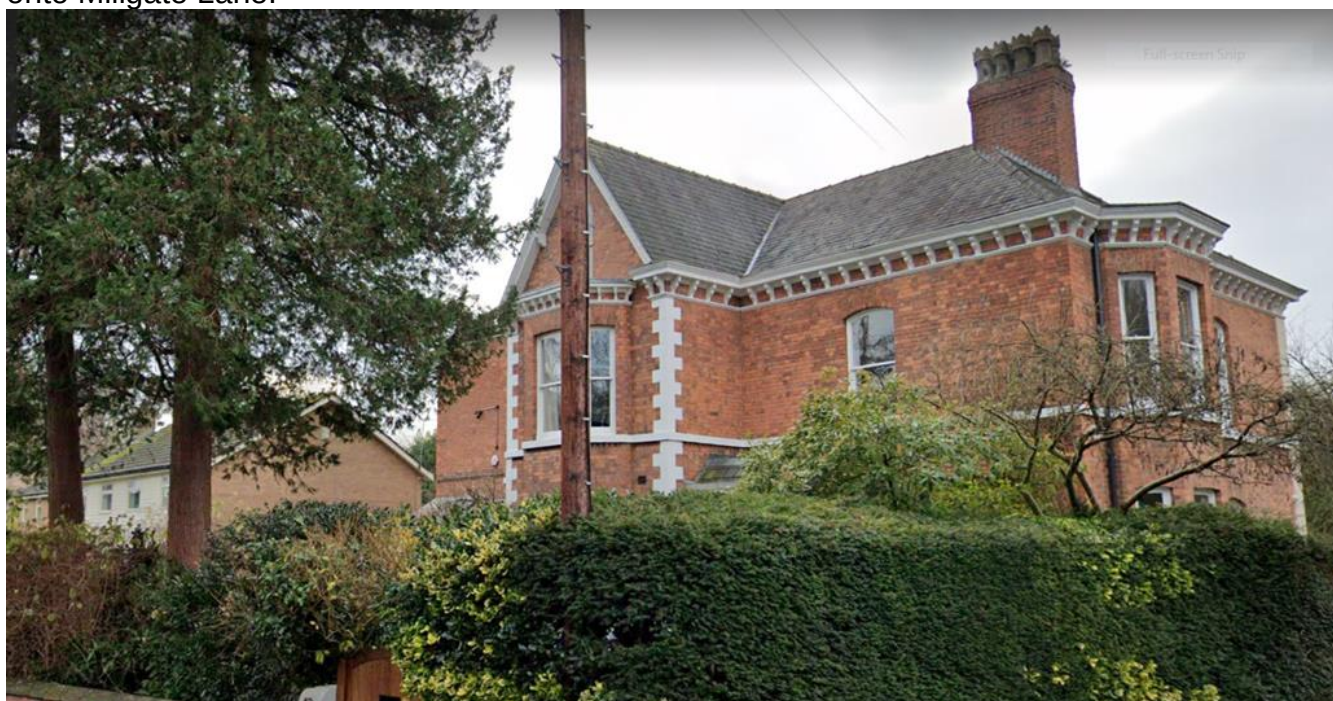
There are good size gardens at the front and rear, the rear sloping down to a gate giving access to Millgate Lane.

The front garden area has a tarmac driveway and is landscaped with lawn, shrubs and small trees. The front is bounded by 3-metre high copper beech hedging whilst the boundary to the north is a 1.8-metre high brick wall. Other boundaries are copper beech.



Description of area

The site is in a residential area comprising a varied housing typology. This section of Kingston Road has a hierarchy of houses, the oldest being that immediately north. This is a detached back to back Victorian villa, No.42 Kingston Road, the rear half of the dwelling being No.3 Kingston Avenue which is a short private road immediately north. No.3 also has an elevation onto Millgate Lane.



No.44 (behind trees) and No.42 Kingston Road (in foreground), with No.3 Kingston Avenue on the return elevation.

South of the site is No.46 Kingston Road which is a dwelling of similar age and design as the site.

Facing the site are 3 no. modern detached houses with a pair of early C20 semi's immediately north. There are also a couple of examples of modern C21 infill houses further to the south.

Late C20 modern housing facing the site



Modern C21 infill housing and early C20 housing to the right



Description of development

Erection of a two storey dwellinghouse following demolition of existing dwelling. The application is accompanied by a Heritage Statement and was subject to pre-application advice in January 2020. A revised scheme was issued for consideration following the comments of the Case Officer. The amended scheme is considered in this report.



Modern C21 infill housing

Consultations & Notification Responses

Neighbour notifications – 2 Objections, 1 Support

Lord Bradley queried the extent of demolition of the existing dwelling.

OBJECTION 1

- The proposed Development due to its scale, appearance and proximity to the common boundaries would have an overbearing and overshadowing impact of the neighbouring properties, adversely impacting residential amenity to neighbouring dwellings. The proposal is therefore contrary to policies SP1 and DM1 of the Core Strategy.
- By reason of design the proposed development would be over dominant and be a visually intrusive feature in the street scene to the detriment of the character of the area, the proposed development is therefore contrary to policies SP1 and DM1 of the core strategy and Policy DC18.1 of the Extant Unitary Development Plan.
- The proposed windows in the rear elevation of the development and the proposed roof window on the north elevation would overlook the private amenity space of neighbouring residential properties resulting in an unacceptable loss of privacy, therefore are contrary to policies SP1 and DM1 of the Core Strategy.
- The proportions of the house are incongruous, and not within character of either of the two neighbouring houses or the general character of the conservation area. The proposal is neither horizontally or vertically proportioned and is not in harmony with the street scene, therefore being contrary to policies SP1 and DM1 of the Core Strategy.
- The demolition of a building in a conservation area will only be granted where it can be show that it is beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area. Therefore, as the proposed development does not meet any of these criteria the development is contrary to Policy DC18.12 of the Extant Unitary Development Plan.

OBJECTION 2

We strongly object to the proposed development on the plot at 44 Kingston Rd which is immediately South of us and with which we share a party wall.

Before setting out why, I would point out that the Register of Title under the Charges Register states : 'No act or thing whatsoever shall at any time be done or suffered to be done on the premises which may be a nuisance annoyance or injury to the property adjoining and near the said premises or which may tend to depreciate the value of such property'. It would be far better for everyone if the size of the proposed development was reduced to avoid this breach of covenant which would then avoid the need for injunctive proceedings.

The proposed windows in the rear elevation of the development and the proposed roof window on the north elevation would overlook the private amenity space of neighbouring residential properties resulting in an unacceptable loss of privacy, therefore contrary to policies SP1 and DM1 of the Core Strategy.

The demolition of a property in a conservation area will only be granted where it can be shown that it is beyond repair, incapable of beneficial use or where its replacement would benefit the appearance of the area. The proposed development does not meet any of these criteria so is contrary to Policy DC18.12 of the Extent Unitary Development Plan.

The proposed size of the development would be over dominant and visually intrusion to the detriment of the character of the area which is contrary to policies SP1 and DM1 of the core strategy and Policy DC18.1.

The proposed development is too big - moving the existing house upwards, forwards and sideways towards our boundary wall makes the proposed development overbearing and adversely impacts our residential amenity. This is contrary to Policies SP1 and DM1 of the Core Strategy.

Increasing its height and moving it closer to the boundary wall means the proposed development would look into 2 of our bedrooms and also look into 2 of our kitchen/diner windows.

The proportions of the house are out of place and not within the character of either houses on both sides of the plot nor the general character of the conservation area.

In summary the proposed development is overbearing, overlooks our private amenity space resulting in a loss of privacy and light, creates a greater sense of enclosure due to its height and close proximity, impacts on the enjoyment of our property which was built some 170 years ago and does not fit in with the existing properties either side of it.

SUPPORT

A resident indicated their support of the application although no comments were made.

Issues

Manchester Core Strategy Development Plan Document (2012)

The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. The relevant policies for this application are:

DM1 – Development Management

SP1 – Spatial Principles

EN3 – Historic Environment

The Unitary Development Plan (UDP) for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. The saved policies of relevance to this application are:

DC1 – Residential extensions

DC18 – Conservation areas

National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's objectives and policies across several themes which include housing, design and the historic environment.

All themes are underpinned by the objective of creating development that is sustainable be it on social, economic or environmental grounds. For new development, sustainable development is inextricably linked with good design. On this theme, the NPPF states that:

124. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective 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);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

And,

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Principle

Kingston Road has been subject to a number of infill developments in recent years which has added to the quality of character in this otherwise mature landscaped setting. Saved UDP policy, together with national planning policy and those of the Core Strategy, permit new development provided that it has regard to good design and, in this case, preserves and enhances the conservation area. The principle of the proposal is therefore acceptable, however, concerns persist with the proposal on a number of areas as discussed below.

The siting of the building in the existing setting together with the primary elevations all contribute to the quality of the area. Reference in the application documents to the front, side and rear of the property is therefore misleading,

The existing dwelling, rather than sitting facing the road, sits at right angles to it with primary elevations to the west, south and east.

The existing building sits back from the street and, critically, when viewed in the street scene is read in the context of the mature trees in adjacent gardens. These characteristics give the area its distinctiveness and are referenced in the Council's character area assessment of the Didsbury St. James Conservation Area.

The proposed changes to the height, scale, massing and appearance of all aspects of the building will have significant impacts on the conservation area. They will dramatically alter and harm 'the well treed sub-urban character of the conservation area' by building out to the back of pavement with a two storey building blocking views to mature trees from east and west. This will be counter to the existing condition where the whole of the conservation area is well wooded and serves to provide a unifying leafy backdrop to the whole area'.

The proposed extension at first floor level above the existing garage and the conversion of the garage to living accommodation, requiring the erection of a new garage building; the addition of further extensions and dormers are all harmful to the character of the conservation area and are in direct contravention to the views in the Council's statement on the conservation area. When taken cumulatively, they amount to over development contravening the Council's statement that 'the construction of large floor plan buildings without substantial landscape intervening would inevitably damage the quality of the setting'.

The proposal to squeeze so much onto the site, when it doesn't naturally or elegantly fit, leads to an ill-proportioned agglomeration (cluster, clump, pile) that cannot be considered in any way to add to the area and meet the benchmark for quality of architecture and setting as stated in the Council's appraisal of the area 'the quality of buildings and setting of buildings is of a very high standard'.

Siting, Height, Scale and Massing

This property is part of an established frontage to Kingston Road and given its position within the street scene its front and side elevations, with the projecting chimneystacks, are prominent features in the Conservation Area and as such make a positive contribution to its character and appearance, and are particularly important when seen in the context of the neighbouring houses within this group. As noted above there are no proposals to alter the front elevation and the proposed development will also retain the chimneystacks to the side of the property. Consequently there will be no material changes to the principal elevations and features of this property that contribute to the character and appearance of the Conservation Area and the visual and architectural coherence of this group of properties will also be preserved."

The proposal will result in some changes to the overall scale and appearance of the property particularly at the rear, however the views of this given they are at the rear would be limited

from Kingston Road. The proposed drawings indicate that the materials will match that of the dwellinghouse to help the extension assimilate with the original dwellinghouse.

Therefore the proposal is in accordance with the NPPF, saved policy DC18.1 and policy EN3 of the Core Strategy.

Design and Appearance/ Impact on the Conservation Area

The property is located within Didsbury St James conservation area as such consideration must be given to the NPPF, policy EN3 and extant policy DC18.1 which seeks to preserve the historic environment and conservation areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting, proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

The application is accompanied by a Heritage Statement, which, in the Council's view, has not adequately identified the significance of the heritage assets nor demonstrated how the design has evolved from the identification of those assets. It also contains several inaccuracies which conflate the site with another, rural site together with other errors.

Residential Amenity

Concerns have been raised with regards to overshadowing the gable windows on the facing gable to the north.

The development would add an additional X metres to the rearward elevation and would be sited X metres further to this boundary. The relationship of the existing dwelling together with the increased height of X metres and the position of the site south of these windows, would give rise to some shading. However this is considered to be insufficient to warrant a refusal of the application and would be lessened to some extent by addressing the greater concerns with the siting and scale of the proposal.

Car Parking and Bin Storage

There is no impact on car parking or bin storage at the property

Conclusion

The proposal is considered to be contrary to saved policies of the development plan specifically SP1, EN3 and DM1 of the Core Strategy and saved policies DC1 and DC18 of the UDP.

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: Refuse

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. Prior to submission of the application, the proposal had the benefit of pre-application advice in 2020 and, once submitted, gave rise to concerns with the Council and local residents. The application was subsequently amended but the Council's concerns in this case have not been overcome.

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

1) The proposed extensions and elevational alterations, by reason of their siting, height, scale and mass, represents an inappropriate and overbearing form of development which would harm the character, appearance and historic significance of the conservation area. The extensions and alterations would be highly visible from the Kingston Road elevation thereby failing to preserve or enhance the conservation area. This is contrary to saved UDP policies DC1 and DC18, Core Strategy policy EN3, Chapter 12 of the NPPF (Achieving well-designed places), paragraph 192 of the NPPF and s72(1) of the Planning, Listed Buildings and Conservation Areas Act 1990.

2) The proposed extensions and elevational alterations, by reason of their design and visual prominence, represent an inappropriate and uncharacteristic form of development that would be visually intrusive and therefore detrimental to the character, appearance and historic significance of the conservation area. The proposal therefore fails to preserve or enhance the conservation area and so is contrary to saved UDP policies DC1 and DC18, Core Strategy policy EN3, Chapter 12 of the NPPF (Achieving well-designed places), paragraph 192 of the NPPF and s72(1) of the Planning, Listed Buildings and Conservation Areas Act 1990.

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)

53 Kingston Road, Manchester, M20 2SB
42 Kingston Road, Manchester, M20 2SB
47 Kingston Road, Manchester, M20 2SB
45 Kingston Road, Manchester, M20 2SB
21 Millgate Lane, Didsbury, Manchester, M20 2SW
21A Millgate Lane, Didsbury, Manchester, M20 2SW
3 Kingston Avenue, Manchester, M20 2SP
56 Kingston Road, Manchester, M20 2SB

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 - Didsbury St James Conservation Area 1970
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH