

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132334/FH/2021

Date registered valid: 28 March 2022

Proposal: Erection of a part single, part two storey, part first floor side extension to provide additional living accommodation

Address: 8 Heritage Gardens, Manchester, M20 5HJ

Ward(s): Didsbury East Ward

Applicant: Mr Arthur Robinson 8 Heritage Gardens, Manchester, M20 5HJ

Agent (if any): Ian Grainger Blu Room Architecture 5 Uplands Road, Darlington, DL3 7SZ

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 May 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:

Printed: 31 March 2022 Expired: 21 April 2022

Neighbour notifications

Printed: 16 May 2022 Expired: 23 May 2022

Site notice

Posted: Expired:

Press advert

Published: 5 April 2022 Expired: 26 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order:

The application property relates to a detached, two-storey dwelling house situated in a cul de sac. The property incorporates an existing detached double garage to the side which is served by a driveway.

Description of area

The site is situated within a purpose built; gated estate accessed off Wilmslow Road. The estate is neighboured by residential flats to the north, a listed building accommodating offices to the south (St.Paul's) and Didsbury Park to the east. The property lies within the Didsbury St James Conservation Area.

The site lies on the southern edge of Didsbury district centre with the area beyond the centre being largely residential in character.

Description of development

The application relates to the erection of first floor extension to create two additional bedrooms including en suites. The ground floor extension increased the footprint of the building by bringing forward the building line of the garages.

Site History Approved at the Site

122151/TCA/2018 Works to tree - proposed pruning works to (T1) beech tree located in rear garden

100224/CC/2012/S2 CONSERVATION AREA CONSENT for demolition of garage

100221/FH/2012/S2 Erection of two-storey side extension and single storey rear extension to provide additional living accommodation following demolition of existing garage

089269/CC/2009/S2 CONSERVATION AREA CONSENT for the demolition of double garage and single storey rear extension to allow redevelopment of site.

089249/FH/2009/S2 Erection of two storey side extension and single storey rear extension following demolition of existing side garage to form additional living accommodation.

089183/TCA/2009/S2 Works to 1 tree

072375/TCA/2004/S2 NOTIFICATION OF INTENT TO CARRY OUT WORKS TO TREES WITHIN DIDSBURY ST JAMES CONSERVATION AREA Various works to Beech Tree

Consultations & Notification Responses

The proposal was advertised in the local press and a site notice was erected close to the site stating the proposals lies within the Didsbury St James Conservation Area. No representations were received.

The occupiers of the surrounding properties were consulted, and one letter of objection was received raising concerns the en- suite windows situated on the first-floor gable would result in overlooking, impacting on occupiers' privacy and the objector also raised concerns in relation to proposal would result in loss of light and overshadowing. The matter of overshadowing will be discussed within the body of the report.

Revised plans were submitted, and the occupiers of the surrounding properties were re notified of an amended scheme. Despite the amended plans omitting the windows from the gable, one letter of objection was received raising concerns that the two front windows of the extension would result in overlooking due to its relationship with the neighbouring property. However, given the distance and orientations of the extension in relation to nearby properties it is not considered that the proposal would result in overlooking or loss of light.

Issues

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.
National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in 2021. It sets out the Government's planning policies for England and how these are expected to be applied.

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

National Planning Policy Framework.

Paragraphs 184 through 202 relate to Conserving and Enhancing the Historic Environment. Paragraph 184 states these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 185 refers to the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.

Paragraph 192 says 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.

Paragraph 193 says 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 196 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. Paragraph 201 states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

It is acknowledged within the NPPF which is set out above, that development needs to take place within areas of special control such as conservation areas, to ensure development makes positive contribution to conserve heritage assets and in turn can make a positive contribution to sustainable communities including their economic vitality. The impact of the development to extend a dwelling house accords with Paragraph 184 and 192, which states that conservation areas should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The proposed extension allows the occupier to extend their home without causing significant harm to the character of the conservation area. Therefore, it is considered that the development makes a positive contribution to local character and distinctiveness. Paragraph 185 refers to the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Therefore, this proposals accords with the policy 184 and 202 of the NPPF.

Chapter 12: Achieving well-designed places - 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 124). Paragraph 127 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.

The proposed development has been appropriately related to the existing house and neighbouring housing. It is not considered that the development would impact upon neighbouring houses due to their juxtaposition and arrangement of space between them. It is considered that the quality of design has been appropriately related to the existing house and conservation area to thereby accord with chapter

12. Chapter 16: Conserving and enhancing the historic environment

Paragraph 189 - 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.

In this case, it is considered that the development suitably reflects the composition of the existing house to thereby maintain its relationship to the surrounding conservation area. Planning Practice Guidance - On 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:

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

In this case, appropriate neighbour and statutory consultation had been undertaken. The design is satisfactorily related to the original house. The proposed extension would not unduly harm residential amenity. The above sections of PPG would therefore

Unitary Development Plan

Saved Policy 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 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.

DC1.3 Notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) in length
- b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
- c) 2 storey extensions to terraced properties which occupy the full width of the house
- d) flat roofed extensions to bungalows
- e) extensions which conflict with the councils' guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned.
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole.
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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 Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies 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 including: -

- 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.
- 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 DM 1 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: -

- 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 and 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.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Policy EN3 states: 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.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

An economic role - contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-

quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and

An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages.
- moving from a net loss of biodiversity to achieving net gains for nature;
- replacing poor design with better design.
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high-quality homes.

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The proposed development has been appropriately related to the existing house and neighbouring housing. It is not considered that the development would impact upon neighbouring houses due to their juxtaposition and arrangement of space between them. It is considered that the quality of design has been appropriately related to the existing house and conservation area to thereby accord with chapter 12.

Issues

Principle

As the proposal seeks to extend a residential property policy DM1 and saved policy DC1 are applicable. Furthermore, as the application site is within the Didsbury St James Conservation Area relevant policies are EN3 and saved policy DC18.

Consideration has, however, been given as to whether the scale, mass, design and appearance of the extension is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area, and the impact upon the character of the conservation area.

Scale, Mass and Design

The proposal has regard for the character of the conservation area as the proposed side extension is considered to be of an acceptable scale and design in relation to the host property. The proposed design and materials are consistent with the surrounding properties and no views of the extension are visible outside the site. Subject to the use of appropriate matching brick and roofing materials, it is not considered that the proposed development would result in any harmful impact to the appearance of 8 Heritage Gardens or the setting of the Conservation Area.

Therefore, it is considered to be acceptable in this location.

Loss of light/overshadowing

Given the relationship with neighbouring properties and the distances it is not considered that loss of light would be a significant issue in this instance.

Impact/Visual Amenity/Residential Amenity

The proposed first floor side extension overlooks the rear and front garden of the application site and beyond the site. The surrounding buildings are situated a considerable distance away and are positioned as such there would not direct overlooking as a result of the proposal coupled with the distance of the properties to the rear and side is great enough to overcome any issues relating to the potential for loss of privacy/overlooking. Therefore, the proposal is considered to be acceptable.

Impact on the character of the conservation area

The character of this part of the Didsbury St James Conservation Area is defined by the spatial characteristic of the dwellings in terms of the layout, the scale of the individual dwellings and the historic appearance of the materials used. The height, scale and massing of the extension is considered to acceptable in relation to the host property. However, the introduction of a first-floor extension is close proximity to a neighbouring outbuilding, in this case the neighbouring garage is considered to cause the lower end of less than substantial harm to the conservation area as it results in two elements of built form being in close proximately together which is less common feature within the conservation area , therefore would be in accordance with, relevant policies and the tests within the NPPF with public benefits outweighing any harm.

Paragraph 192 of the NPPF 2019 states that the following should be taken into account when determining applications that affect heritage assets.

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 adding an additional storey to established footprint which and does not take built form any closer to the neighbouring property. However, does add to a amount of built form which exacerbates the closeness to neighbouring property. Therefore, extending the dwelling house is considered to cause the lower end of less than substantial harm to the character of the conservation area. However, in accordance with the NPPF the less than significant harm is out weighted by the proposal would allow a family dwelling to be enlarged to create improved accommodation.

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

By allowing the occupier of the dwelling house to extend the property to provide for their growing needs helps contributes to creating more sustainable communities.

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

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 and 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.

Impact on the Nearby Listed Building

Broome House 779 Wilmslow Road is a substantial Grade II listed building situated west of the application site. The proposed first floor extension due to its size, position and appearance would not give rise to any visual harm to the setting of the listed building. The extension when viewed in conjunction with the listed building does not detract any more than the houses that make up Heritage Gardens due to the diminutive appearance of the first-floor extension. On this basis the visual impact is negligible.

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:

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. Further information was sought from officers during the application and amendments were made to the proposal.

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:

03 Rev A, and 04 Rev A, stamped as received on the 16 May 2022, and the Location Plan 05 and the Site Plan, stamped as received on the 26 November 2021, and the Heritage Statement, stamped as received on the 28 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 Core Strategy.

3) The external facing materials to be used on the extension hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale.

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

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 drawings.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

5) Before first occupation the first floor front and rear en suite windows shown on drawing numbers 03 Rev A, and 04 Rev A, stamped as received on the 16 May 2022 by the City Council as Local Planning Authority, shall be obscure 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 Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Didsbury Civic Society

6 Heritage Gardens, Manchester, M20 5HJ

21 Heritage Gardens, Manchester, M20 5HJ

10 Heritage Gardens, Manchester, M20 5HJ

19 Heritage Gardens, Manchester, M20 5HJ

Broome House, 779 Wilmslow Road, Manchester, M20 2BH

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH