

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127027/FH/2020
Date registered valid: 1 June 2020
Proposal: Retention of front porch and canopy
Address: 19 Devon Avenue, Manchester, M19 2JH
Ward(s): Burnage Ward

Applicant: Ms S Iqbal 19 Devon Avenue, Manchester, M19 2JH
Agent (if any): David Ormesher Holborow & Ormesher Ltd Station House, Adams Hill, WA16 6DN
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 27 October 2020

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: 10 June 2020 Expired: 1 July 2020

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of site / building / area

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 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.

The area where the dwellinghouse is located is wholly residential.

Site Planning History

- 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
- 122901/FH/2019 - Part single storey part two storey side extension and single storey rear extension, Refused 03.07.2019

Although not the subject of this application under consideration, it should however be noted that the submitted information, confirms planning permission: (ref: 124290/FH/2019) has been

implemented. The implemented works, however, do not appear to fully accordance with the approved plans.

Description of development

Retrospective consent is sought to retain porch and canopy(with associated columns) which has been built at ground level to the front façade of the dwellinghouse.

The proposed structures to be retained would consist of a front porch, width 2.3m x depth 0.67m x height 2.4m which is placed centrally in front of the front door of the original house; with a canopy over, which would measure width 8.7m x depth 1.2m x height 3.3m, and would extend along the full width of the existing front driveway, from the common boundaries with nos.17 and 21 Devon Avenue, supported by 4 columns. It would appear from the submitted information that the canopy in-part would overhang the common shared boundary.

Consultations & Notification Responses

1. Neighbours

4 emails from local residents objecting to the proposed development have been received. Two objectors have raised concerns in relation to the porch and canopy structure being connected to an unauthorised extension that other council officers are investigating. Concerns have also been raised in relation to encroachment to an adjoining property, which the objectors are of the view make the whole structure illegal and that as such it would have to be demolished. They also advise that the erection of the building on the side is not according to the plans previously passed, and the canopy and columns are connected to it. Hence until the matter is resolved with the encroachment and the unauthorised building this scheme cannot be permitted.

Another resident wishes to object to the retention of the pillars / posts on the basis that the implemented works are out of keeping with the design / character profile of other properties, both in the Avenue and the wider neighbourhood. They are of the view that the design feature of the pillars / posts and the projection of extended canopy depth above the bay window has led to a reduction of light to their property. They also feel that the erection of pillars / posts at the front of the applicant's house has resulted in the owner frequently parking cars in the circle of the cul-de-sac, which has often made it difficult for other cars to turn around and / or reverse out of the Avenue.

They have also raised concerns in relation to the works being undertaken without the benefit of planning approval, and feel it sends the wrong message allowing an applicant to build first, then submit an application for approval retrospectively. They also state that any approval should be strictly adhered to and followed accurately for detail and measurements, not subjectively changed at will by either the applicant or any builders.

They also advise that a previously approved scheme at the property for a side and rear extension has not been built in accordance with the approved plans.

A further objection has been received from a local resident wishing to express strong objections, as on the basis of the proximity of the canopy to the adjacent boundary directly impacting on their ability to park a vehicle on their driveway. They also advise that the applicant has changed the fence between the two houses as well as removing their drainage pipe without consent in order to facilitate putting up his canopies. They have stated that they do not now have any

drainage system and nor can they put a new pipe in. This , they believe will eventually cause damp in their house. They are of the view that this is illegal and gives precedence to others to do the same. They have provided measurements of the canopy and description of the porch to demonstrate that the porch and canopy are out of keeping with the character of the avenue. They also state previously approved scheme at this property has not been implemented in accordance with the approved plans, and wish to object to the unauthorised works on the grounds of encroachment.

2. Highways Services

From the submitted documents, the proposed development would compromise the driveway dimensions and result in vehicles overhanging the footway. On this basis, Highways would not be able to support this application.

POLICIES

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

The National Planning Policy Framework (February 2019)

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

Whilst the principal of adapting of existing dwellinghouses to meet changing residential needs, any development should respond positively 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 porch, canopy and associated columns located on the front façade of the dwellinghouse have not been designed to be in keeping with the design and character of the existing house, and are considered to adversely affect the appearance of the existing house. It is considered that the retention of the porch, canopy and associated columns would detract from the character and appearance of the existing house, due to the context, design and siting, which is contrary to the advice contained in Chapter 12 of the NPPF which requires good design, and policy DM 1 of the Manchester Core Strategy 2012.

Furthermore, the porch, canopy and associated columns create a visually dominant incongruous feature within the streetscene, and are considered to adverse impact on the visual amenity of the occupiers of the Avenue,

It is considered that if the structures were to be retained, it would create an unsatisfactory visual relationship between the neighbouring properties, particularly those at nos. 17 and 21 Devon Avenue and the overall character of the property and street scene would be affected and therefore the development is not suitably related to the existing building and its context.

Waste Management

The existing arrangement is unaffected by the proposed development.

Car parking

Concerns raised by Highway Services have been noted , however this application only seeks retrospective consent for the retention of the porch, canopy and associated columns which does not affect the overall depth within the site to accommodate off street parking . Furthermore whilst there are issues in relation to the single storey side and rear extension (ref: 124290) in relation to the as built rather than the approved scheme, the front building line of the implemented side extension is the same as that which formed part of the approved plans. This property has a shallow front garden area which varies in depth due to the curve of the adjacent turning head at the end of the cul-de –sac. There is currently no boundary treatment to the back of pavement. As part of the consideration of planning application ref: 124290 it was acknowledged that whilst the remaining driveway space did not provide the recommended 3.0m x 6.0m, there were no parking restrictions on Devon Avenue and therefore it was considered that the potential for a slight increase in on-street parking could be accommodated with no significant adverse impacts to highway safety.

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. There are also a number of matters raised in relation to encroachment and drainage arrangements. These are civil matters and do not form part of the consideration of this application.

Conclusion

In assessing this proposal, it has also been recognised that although the application relates to an unlisted building, not within, or; near an area of designated special interest or importance, however the property has architectural features which are present in the dwellinghouses in Devon Avenue which contribute to the character of the local area. The retention of the structures would create an unsatisfactory visual relationship between the neighbouring properties, particularly those at nos. 17 and 21 Devon Avenue and the overall character of the property and streetscene would be harmed and therefore the development is not suitably related to the existing building and its context. On balance, taking these factors into consideration and for the reasons set out above, it is considered that the retention of the development does not respond positively to the National Planning Policy Framework, (February 2019); policies SP1, DM1, T2 and EN1 of the Manchester Core Strategy Development Plan Document (2012); and saved Unitary Development Plan policy DC1.

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

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; however, in this instance, a solution that was satisfactory to both the Local Planning Authority and the agent could not be reached as the nature of the proposal was considered to be unacceptable.

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

- 1) The retention of the front porch, canopy and associated columns at 19 Devon Avenue , by virtue of their scale , siting, design and materials used forms an over dominant and intrusive feature to the detriment of visual amenity and the character of the area. The retention of the front porch, canopy and associated columns and would therefore be contrary to the National Planning Policy Framework, (February 2019); policies SP1, DM1 and EN1 of the Manchester Core Strategy Development Plan Document (2012); saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).
- 2) The front porch , canopy and associated columns are poorly related to the character and appearance of no.17 Devon Avenue and are therefore considered to have a detrimental impact on the character and appearance of the host building and the surrounding properties contrary to the National Planning Policy Framework, (February 2019); policies SP1, DM1 and EN1 of the Manchester Core Strategy Development Plan Document (2012); saved Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

58 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
14 Devon Avenue, Manchester, M19 2JH

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