

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

Application no. 143199/FH/2025

Date registered valid: 13 June 2025

Proposal: Retention of 2.14m high front boundary treatment with dark grey aluminium gate/ fence and masonry wall finish

Address: 173 Withington Road, Manchester, M16 8EF

Ward(s): Whalley Range Ward

Applicant: Azhar Iqbal Kayani

Agent (if any): Mr – Hatami, Orya Architectural Studios

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 07 August 2025

APPLICATION DETAILS

Type of application:	Full Householder Application	
Development type:	Householder	
Date of site visit:	05 August 2025	
Standard consultations:	No consultations have been printed and sent.	
Neighbour notifications:	Printed: 20 June 2025 Expired: 11 July 2025	
Site notice:	Posted: 25 June 2025 Expired: 16 July 2025	
Press advert:	Published: 24 June 2025	Expired:
Departure from Development Plan:	No	
Environmental Statement:	Not required	
Listed building:	Not applicable	
Conservation area:	Whalley Range Conservation Area 1992	
Tree Preservation Order:	Not applicable	

Description of site/building

The proposal relates to a two-storey semidetached dwellinghouse on Withington Road. The property features existing side and rear extensions with a garden to the rear. The property features hardstanding to the front. Prior to the installation of the unapproved works for retention the boundary treatment was a low-rise dwarf wall with short iron railing with finial details and low iron gating.



Figure 1. Boundary treatment prior to works

Description of area

The property is in a mostly residential part of the Whalley Range ward of Manchester. St Maragaret's CofE Primary School sits nearby. The property is sited in the Whalley Range Conservation Area. Withington road is a classified C Road.

Description of development

Retention of 2.14m high front boundary treatment with dark grey aluminium gate/ fence and masonry wall finish.

The wall for retention would sit 2140mm high with large masonry brick finish and dark grey metal aluminium non permeable fence panelling. 3 Large brick pillars are featured.

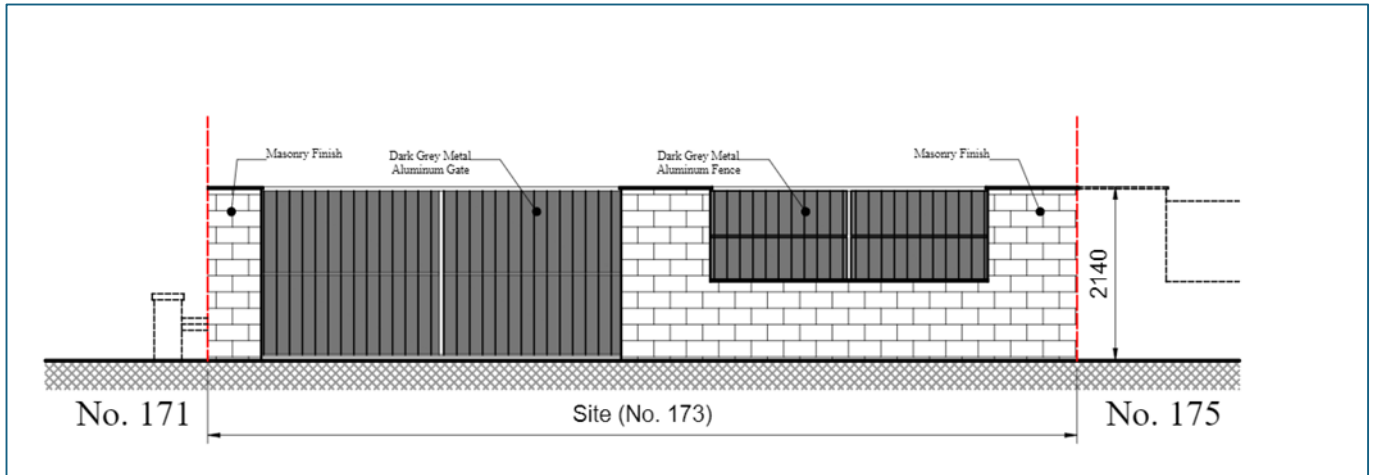


Figure 2. Proposed plans



Figure 3. Site visit 02 July 2025

PLANNING HISTORY

ENF/16002/25

Description: Enforcement Enquiry - Unauthorised construction of front gate

Decision: Pending consideration

It is noted that this application is of a result of this enforcement action.

092178/FH/2010/S1

Description: Erection of a part single/part 2 storey side and part single part 2 storey rear extension to form additional living accommodation

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application and had concerns over visibility between an egressing vehicle and passing pedestrian / motorised traffic along Withington Road. (See detail in issues section below)

Notifications

Local Residents

No representations received.

Publications

Site Notice and Press Advertisements

No representations received

NEGOTIATIONS

Issues have arisen in the consultation phase which required negotiations in positive and proactive manner.

The scheme as built was immediately identified as unacceptable due to visual impacts to the street scene and area along with impacts to highway safety.

The applicant was given opportunity to present a scheme which would rectify these issues however an approval scheme could not be agreed in the decision window and the application is proceeding on the plans submitted.

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

Relevant Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The following policies are considered relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#)
 - o Development Management and Planning Obligations
 - DM 1 - Development Management
 - o Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (Partially replaced by PfE Policy JP-S 1)
 - o Objective 5 – Transport
 - T 1 – Sustainable Transport (partially replaced by PfE Policy JP-C 1)
 - o Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 3 – Heritage (Deletions replaced with PfE Policy JP-P2)
- [Extant Unitary Development Plan \(UDP\)](#) –
 - o Citywide Development Control Policies
 - DC1 – Residential Extensions
 - DC18 - Conservation Areas
 - DC22 - Footpath protection
- [Places for Everyone Plan Joint Development Plan Document 2022-2039-](#)
 - o Strategy
 - JP-Strat9: Southern Areas

- o Sustainable and Resilient Places
 - JP-S1: Sustainable Development
- o Places for People
 - JP-P1 Sustainable Places
 - JP-P2: Heritage
- o Connected Places
 - JP-C5: Streets for All
 - JP-C6: Walking and Cycling
- [The National Planning Policy Framework \(The NPPF\)](#) –
 - o Section 2 - Achieving sustainable development
 - o Section 4 – Decision-making
 - o Section 12 – Achieving well-designed places
 - o Section 16 - Conserving and enhancing the historic environment

Principle

The City Council recognises many people want to extend and develop their existing homes to provide more space and/or better living accommodation or improve their properties. In this case the new boundary wall was deemed out of character to the area and would create a highway safety issue and therefore the principle is unacceptable.

ISSUES

Appropriate siting, layout, scale, form, massing, materials, and detail

The replacement boundary treatment is of a size scale and design incongruous to the site. The height, at 2140mm would be overly dominant in the street scene creating an imposing massing close to the site boundary.

The material choice is incongruous to the existing building using large masonry brick rather than the existing red brick. The aluminium panelling would completely close off the premises.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.

The grey boundary wall by virtue of its materiality and design would present a visually stark contrast with the established character of the area and would also provide a blank impermeable frontage. The materials are distinctly modern and alien to the traditional character of the area and would thereby appear incongruous and detract from the character of the Whalley Range conservation Area.

The previous boundary wall was a red brick dwarf wall with railings which was more in keeping with the conservation area.

Overall, the boundary treatment to be retained has a significant impact to the visual amenity of the local area and stands incongruous to the area counter to SP1 and EN1 of the Core Strategy.

Effects on amenity

Privacy

The proposal has a minimal effect on local privacy.

Light

Given the location of the proposal there is minimal effect on local light.

Road Safety and Traffic Generation

Highways have concerns over visibility between an egressing vehicle and passing pedestrian / motorised traffic along Withington Road. All boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m (600mm) upwards. The applicant was asked for a visibility splay but did not provide one within the determination time.

The boundary treatment to be retained would present a road safety issue and is not acceptable.

Pedestrian access will remain as existing, which is acceptable to Highways. Plans confirm that the entrance gate will be sliding, which is acceptable as it will prevent obstruction on the adjacent footway.

Accessibility

The proposal does not change how people can get in and out of the building.

Refuse storage and collection.

The proposal itself has little impact on waste from the site. It uses the current storage and collection methods on site.

Vehicular access and car parking

The proposal doesn't change how vehicles access and park at the property. Road Safety issues have been dealt with in the section above.

Effects relating to biodiversity, landscape, archaeological or built heritage

Built heritage

The proposal is within the Whalley Range Conservation Area.

Development control in Whalley Range Conservation Area is aimed at encouraging the area to flourish whilst paying attention to its special architectural and visual qualities. Owners of property in the area are encouraged to retain the original character and detail of their houses or premises. The owners of properties will be encouraged to replace like for like when considering repairs to walls, roofs, windows and mouldings

Where boundary treatments are being renewed, walls - preferably the originals - should be stone or brick with recessed panels and stone copings. They should be in character with the area, which frequently includes evergreen hedges. These are most commonly privet, but holly and laurel are also seen.

Every effort should be made to save gateposts and incorporate them in new developments. They should be replaced in stone or brick rather than concrete or timber. Each of these solutions requires less maintenance than the original cheaper alternatives.

The boundary wall as built would amount to less than substantial harm to the significance of the Conservation Area, given the size of the conservation the harm would be at the lower end but still material and fail to positively conserve the Conservation Area as required by PpE policy JP-P2. The development would also fail to provide public benefits that are required to offset the harm as set out in paragraph 215 of the NPPF.

Green Infrastructure including open space, both public and private

The proposal has no impact on green infrastructure.

Flood risk and drainage.

The site is not located in a flood risk area and therefore does not require a flood statement or assessment. The proposal has a negligible impact on drainage using the existing drainage on site.

OTHER LEGISLATIVE REQUIREMENTS

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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.

CONCLUSION

The proposed retention of the front boundary treatment at 173 Withington Road fails to respect the character and appearance of the Whalley Range Conservation Area and presents unacceptable harm to visual amenity and highway safety. Despite opportunities for negotiation, no acceptable revisions were submitted. The development is contrary to multiple local and national planning policies and does not offer sufficient public benefit to outweigh the identified harm. Refusal is therefore recommended.

RECOMMENDATION: REFUSE

Article 35 Declaration

The application has been determined within the statutory timescale. In this instance the principle of the application proposal is contrary to the adopted development plan and are not considered to improve the economic, social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make them acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

REASONS FOR RECOMMENDATION TO REFUSE

1. Visual amenity harm

The front boundary treatment, by virtue of its siting, scale, massing, materials (masonry brick) and colouration, would form an incongruous and visually intrusive feature within the street scene and would be detrimental to the character and the appearance of the area, and cause less than substantial harm to Whalley Range Conservation Area. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1, EN1, and EN3 of the Core Strategy for Manchester, JP-S1, JP-P1 and JP-P2 of the Places for Everyone Plan and Policy DC1 and DC18 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

2. Highways safety

The front boundary treatment is considered to create compromised visibility between an egressing vehicle and passing pedestrians and vehicles along Withington Road (Classified C Road), given the height and lack of visual permeability. This in turn would be detrimental to highway and pedestrian safety. As such, the proposed development would be contrary to policy DM1 and T1 of the adopted Core Strategy for Manchester, JP-S1, JP-C5 and JP-C6 of the Places for Everyone Plan and Policy DC1 and DC22 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

APPENDIX 1 – LIST OF CONSULTTEES & NEIGHBOURS NOTIFIED

Highway Services

171 Withington Road, Manchester, M16 8EF

1A Demesne Road, Manchester, M16 8HG

175 Withington Road, Manchester, M16 8EF

1 Burford Road, Manchester, M16 8EW

156 Withington Road, Manchester, M16 8FE

APPENDIX 2 – PLANNING CONSTRAINTS

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Conservation Area - Whalley Range Conservation Area 1992

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA