

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139179/FH/2024

Date registered valid: 5 March 2024

Proposal: Remodelling and extensions to existing detached dwelling with proposed canopy structure to front and rear, new driveway to front and alterations to existing rear boundary treatment

Address: 36 Kingston Road, Manchester, M20 2RZ

Ward(s): Didsbury East Ward

Applicant: Mr Richard Dundas

Agent (if any): Mr Chris Littlemore, Buju Architects

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 April 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 27 March 2024

Standard consultations:

Printed: 19 March 2024 Expired: 11 April 2024

Neighbour notifications

Printed: 12 March 2024 Expired: 4 April 2024

Site notice

Posted: 27 March 2024 Expired: 17 April 2024

Press advert

Published: 19 March 2024 Expired: 2 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

36 Kingston Road is a 1960s/70s detached dwelling house located within the Didsbury St James Conservation Area. The property is three storeys to reflect the fall in land levels towards the rear of the site to Millgate Lane. The principal elevation features an integral garage at basement level with access taken from a steep sloping cobblestone driveway, as well as a porch at ground level with stepped access from the pavement. Three mature lime trees are present within and adjacent to the site frontage (T1, T2, T3 on plan ref: 210 D), with soft landscaping to the side boundaries. To the rear is a 17m garden, with patio and grassed amenity spaces with 5 trees sited within the boundary, comprising a Magnoli (T8), Birch (T6) Crabtree and Hawthorn (G1). Existing rear boundary treatment consists of approx. 2m brick walling (original) and later low walling with close boarded fencing atop, with a timber swing gate providing access to an additional paved parking area. Side boundaries consist of timber fencing, as well as the blank gable elevation of listed No.15.

It is located within the immediate setting of the Grade II listed 40 Kingston Road, constructed in the 1960s, and the 18th century row of cottages at 15-17 Millgate Lane. The building is a neutral contributor to the Conservation Area, constructed in a restrained modernist style in brick. It has a simple rectangular form, flat roof and simple external elevations, defined by rectangular features and limited detailing. As such, it allows the Grade II listed 1960s asset next door, and other historic buildings in its setting, including the Grade II listed row of cottages at Millgate Lane, to remain key contributors to the area and prominent additions in the local street scene.



Listed building: Adjacent to Grade II listed 40 Kingston Road (south) and 15-17 Millgate Lane

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Conservation Area designation

Description of area

The immediate Conservation Area is characterised by predominantly residential properties of 18th to early 20th century and mid-century construction, of architectural merit, featuring dual aspect arrangements sited between Kingston Road (east) and Millgate Lane (west). The area is verdant in flora, comprising significant tree cover and large swathes of public green space due west including Fletcher Moss Botanical Gardens and Milgate Fields.

To the east of Kingston Road lies the Towers Business Park, which juxtaposes with the character of the Conservation Area.

Description of development

The proposal seeks planning permission for the alterations and extensions to an existing dwelling, comprising the following:

- Levelling of driveway to front
- Reconfiguration of access to front with new canopy and opening
- New cladding to front elevation
- Replacement fenestration
- Increase in roof height to create flush form by 300mm
- Small infill brick extension to rear at LGF level (0.45m D x 3.4m W x 3.1m H)
- Installation of open-sided, aluminium rear canopy (2-2.45m D x 8.9m W x 3.5m H)
- Alterations to rear boundary (new walling and timber gate)
- Installation of 9 solar panels to uppermost flat roof

The revised proposal has omitted the semi-circular windows and large front canopy structure originally proposed.

Consultations & Notification Responses

Local responses

None

Consultee responses

Environmental Health – no objections.

MCC Neighbourhood Team (Arboriculture) –

16th March 2024 – comments made on initial scheme

I have read through the documents available on the planning portal and I can confirm that we would require the submission of an arboricultural impact assessment in order to provide comments on this application.

The proposed plans show the proposed building alterations however, as there are trees in this location (tree survey), there will evidently be impact on the trees rooting area.

Due to the above, I believe it is necessary for the applicant to provide us with a detailed impact assessment and method statement on how they will be able to develop the property whilst ensuring the trees are protected.

26th April 2024 – comments made on submitted AIA

Need details of proposed detailed structural specifications and any proposed services or drainage, which can be secured by condition.

Apply a condition that the works within the root protection zones of the trees must be carried out under the supervision of an arboricultural consultant.

Relevant Planning History

At the application site –

054950/FH/SOUTH1/98 – Construction of new pitched roof. Approved 1998.

Tree works applications on site:

075356/TCA/2005/S2 – no objections 23.06.2005.

114141/TCA/2016 – no objections 09.11.2016.

137741/TCA/2023 – no objections 13.10.2023.

History of negotiations

The planning officer requested the following amendments and additional information (22/3/24):

- Removal of front canopy
- Retention of rectangular fenestration to front elevation
- AIA and method statement
- Rear treatment boundary elevations
- Corrected CGI 3D plans making reference to trees on site

To address outstanding concerns relating to visual amenity impacts upon the character of the property, street scene and Conservation Area.

The client requested a site meeting with Conservation, 19/4/24, which was attended by the applicant, agent, Conservation officer and Planning case officer. Details of proposed works were discussed on site, with agreement in principle made on the following:

- Rectangular fenestration to front – indicative designs welcomed

- Retention of as much original cobblestone in new driveway
- Retention of chimneystacks (external)
- Cladding to front elevation subject to condition
- Rear boundary wall to use matching brickwork and mortar
- Timber gate to rear boundary

Outstanding matters relating to the AIA and MS.

The agent submitted revised plans and AIA by 26/04/2024.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

Manchester Core Strategy Development Plan Document (2012-2027) – The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

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. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

Policy JP-Strat13 – Strategic Green Infrastructure
 Policy JP-G7 – Trees and Woodland
 Policy JP-P1 – Sustainable Places
 Policy JP-P2 – Heritage

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles
 DM1 – Development Management
 EN1 – Design Principles and Strategic Character Areas
 EN3 – Heritage

The relevant saved **UDP** policies for this application are:

DC 1.1 – 1.6 – Residential Extensions
 DC 18.1 – Conservation Areas
 DC 19.1 – Listed Buildings

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

National Planning Policy Framework

The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Issues

Principle of development:

Policy JP-P2 of the Places for Everyone (2024) seeks to positively conserve, sustain and enhance the Greater Manchester historic environment and heritage assets and their settings. Policy EN3 (Core Strategy) and policies DC18 and DC19 collectively seek to preserve the historic environment, Listed buildings and conservation areas.

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seek to ensure that new development enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of The Unitary Development Plan for the City of Manchester 1995 (UDP) relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (NPPF) which seeks a high standard of design in new developments which provides a good standard of amenity of all existing and future residents.

Therefore, matters that will require consideration, in order to assess the acceptability of any proposal are siting, design and appearance. In this instance, in relation to impact upon visual amenity of the dwellinghouse, adjacent listed buildings and conservation area setting.

Further consideration will be given as to whether the proposal has any impact on surrounding residential amenity in particular, the effect upon the amenity of neighbouring occupiers. As well as protected trees within and adjacent to the site curtilage.

The proposal is considered acceptable in principle subject to further assessment of the issues.

Impact on visual amenity and the character of adjacent listed buildings and the Conservation Area:

The property is located within the Didsbury St James Conservation Area and is located within the immediate setting of the Grade II listed 40 Kingston Road and the 18th century row of cottages at 15-17 Millgate Lane. Therefore, consideration must be given to the NPPF, policy JP-P2 (PFE), policy EN3 (CS) and extant policy DC18.1 and DC19.1 which collectively seek to preserve the historic environment, Listed buildings and Conservation Areas.

The revised proposed alterations to the mid-20th century building under consideration are acceptable and supported from a Conservation and Design perspective, the scheme is considered to result in less than substantial harm to the designated heritage asset. The proposal has been amended to retain the rectangular fenestration pattern of the existing

dwelling, external chimney stacks, partial cobblestone driveway and removal of the large front canopy feature. As well as the introduction of cladding to a section of the front elevation.

Alterations proposed to the front elevation include levelling the site frontage and driveway to create new parking area, reconfiguration of the entrance way, installation of new aluminium cladding and replacement fenestration. The southern most flat-roofed element will be raised approx. 300mm in height to read flush with the tallest element of the original property. 9 solar panels are proposed to the flat roof. Minor fenestration alterations are proposed to the north facing side elevation facing no.34 and no works are proposed to the south facing side elevation facing no.40 Kingston Road. Development to the rear will comprise replacement fenestration and openings, addition of glass balustrade to existing roof terrace, the addition of a small brickwork infill extension (450mm rear projection) at lower ground floor to create a flush rear elevation with new bifold doors and installation of an aluminium open sided flat-roofed canopy supported by two slimline columns. Works to the rear boundary treatment involve rebuilding the existing 2m walling and raising the existing low-level walling to 2m with coping stones and installation of new wider timber sliding gate (3.35m width).

The Conservation officer notes as a result of the amendments secured, *“the overall design aesthetic of the premises will be retained, with works to enhance its usability and modernise its external appearance being compatible with its architectural design and its context – the character of the conservation area and the immediate setting of the Grade II listed 1960s building. This is contingent on further details of the proposed materials/finishes, which would have to be conditioned.”* As such, whilst the proposal is considered acceptable in principle in terms of visual amenity, a number of planning conditions will be imposed which require the submission of samples of materials/finishes relating to the following details;

- proposed cladding (walls/canopy)
- proposed brickwork and mortar to extensions to dwelling
- proposed brickwork and mortar to rear boundary wall
- proposed rear gate
- details of hard landscaping - retention/reuse of the historic floorscape (cobblestones), with any retention/reuse maximised.

To ensure appropriate detail and a high-quality finish is achieved, in the interests of preserving and enhancing the setting of adjacent listed buildings and the conservation area.

In the absence of detailed structural specifications of the proposed driveway works (materials and design), further clarity is required to assess any potential impact upon the visual amenity of the dwellinghouse, street scene and wider Conservation Area. As such a pre-commencement condition will be applied requesting full details of these works to be submitted and approved by the LPA, before driveway works can commence, in order to ensure a high quality and acceptable development.

The proposed alterations to the existing rear boundary would include a new timber sliding gate, rebuilding of the existing (approx. 2m) wall, the existing low height walling to be raised to the same height and finishing with coping stones. This is considered acceptable on balance by Conservation, who advise imposing a condition relating to the reuse of existing brickwork where possible, with new brickwork and mortar samples to be submitted and approved by the LPA, in the interests of preserving and enhancing the setting of adjacent listed buildings and the conservation area.

Subject to conditions relating to sample materials/finishes and further design and construction details, the proposal is in accordance with policy JP-P2 (PFE), policy EN3 (CS) and extant UDP policies DC18.1 and DC19.1.

Impact on residential amenity:

No.s 15-17 Millgate Lane are the Grade II listed cottages due south west, facing the rear of the application property. Extensions proposed to the rear elevation of the host property would create a small infill extension at LGF (3.4m x 045m) and rear aluminium canopy feature measuring 2-2.45m in overall projection, 3.5m in maximum height and spanning the full width of the original dwelling. These elements are considered to create limited impacts in the form over overdominance and overshadowing upon the amenity of these neighbouring residents, given the modest scale of the infill extension and nature of the open sided canopy which would be lightweight in appearance. Alterations to the rear are proposed at first floor level, introducing an oriel window to serve a lounge, bifold doors for terrace access and glass balustrade to the existing first floor terrace. At lower ground floor level large bifold doors are proposed. These glazing alterations are not considered to create any additional overlooking impact over and above the existing situation, as they would be modernised replacements of existing features. Alterations to the rear boundary treatment adjacent to these properties would comprise like for like replacement of existing, therefore would not give rise to any additional impact.

No.40 Kingston Road is the Grade II listed 1960s bungalow circa 20m south of the application property. Given this separation distance which will be retained and nature of the works which remain predominantly within the original footprint of the host dwelling, there are no undue impacts upon the amenity of these neighbouring occupants considered.

No. 34 Kingston Road is the semi-detached period property sited north of the application site. It was noted on site that this property affords an unauthorised raised decking feature to the side/rear elevation, overlooking the application site. As such the proposed rear canopy is considered to ameliorate this existing impact, providing greater privacy for the occupants of the dwellinghouse. Notwithstanding this, the proposed scale and design of this canopy is not considered give rise to any undue impacts upon this neighbouring property. Furthermore, the proposal would feature reduced fenestration in the northern side elevation facing this this property, improving current overlooking impacts.

Proposed works to the site frontage are not considered to create any residential amenity impacts.

The proposal therefore accords with policies SP1 and DM1 of the Core Strategy.

Highways:

The proposed works would remove the existing LGF integral garage, reducing the off-street car parking provision by one, whilst creating a level driveway to the site frontage. It is acknowledged that the application property affords a second car parking area to the rear of the site, with access taken off Millgate Lane. Therefore, the proposal would retain 2 parking spaces on site, which is considered acceptable.

Other matters:

Trees

MCC Arboricultural officer provided initial comments (14/3/24) highlighting concern with regards to impact upon existing trees (canopy and root protection areas/RPAs) within the application site and adjacent to the development. This concern was also raised in the initial Conservation consultation. The application site affords three large mature lime trees adjacent to and within

the site frontage and 5 within the rear garden curtilage. These trees are considered to positively contribute to the verdant character of the conservation area and setting of adjacent listed buildings.

As such, consultees requested the submission of a detailed arboricultural impact assessment (AIA) and method statement (AMS) in order to ascertain the potential impact and ensure the trees are protected during and post development.

These concerns were raised with the agent (22/3/24) requesting additional tree information. An AIA with preliminary AMS was submitted to the local planning authority on 27/4/24. Updated comments from the Arbo officer stated that in the absence of detailed structural specifications of proposed works, a full assessment could not be undertaken. Therefore, in order to safeguard trees on site, recommended imposing a tree protection measure condition which will require the submission of full detailed structural specifications, proposed drainage and services detail/layout, an arboricultural method statement (AMS) and consultant supervision, before any below ground works can commence on site. This will enable the LPA to ensure the proposed development will not adversely impact trees within and adjacent to the application site, compliant with policy JP-G7 (PfE) and policy EN1 (CS).

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.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core

Strategy Development Plan and other material considerations. In this instance negotiations took place with regards to the removing the front canopy and amending proposed fenestration. Amended plans were submitted showing these amendments and additional tree information, the application has been determined with the attachment of appropriate conditions.

Condition(s) to be attached to decision for approval

1. 3 Year Time Limit

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. Specified drawings

The development hereby approved shall be carried out in accordance with the documents labelled:

- 'Proposed site plan', numbered '210 D', stamped as received by the City Council as Local Planning Authority on the 26/04/2024.
- 'Proposed Floor Plans', numbered '220 C', stamped as received by the City Council as Local Planning Authority on the 23/04/2024.
- 'Proposed North and East elevations', numbered '301 D', stamped as received by the City Council as Local Planning Authority on the 26/04/2024.
- 'Proposed South and West elevations', numbered '302 D', stamped as received by the City Council as Local Planning Authority on the 26/04/2024.
- 'Proposed 3D views', numbered '900 C', stamped as received by the City Council as Local Planning Authority on the 23/04/2024.
- 'Rear boundary wall elevations', numbered '303 B', stamped as received by the City Council as Local Planning Authority on the 26/04/2024.
- Arboricultural Impact Assessment (Ref: LTC254), stamped as received by the City Council as Local Planning Authority on the 27/04/2024.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3. Sample brickwork - extensions

Notwithstanding details as shown on the submitted plans, prior to commencement of works to the existing dwellinghouse, a sample panel with brickwork and mortar shall be made available on site for inspection by the local planning authority and approved in writing. The works shall be in accordance with the approved specifications and remain in perpetuity.

Reason - To ensure the appearance of the dwelling to be altered and character of the adjacent listed buildings and Conservation Area is not adversely affected by proposed alterations, pursuant to saved policies DC1.1, DC1.2, and DC1.4, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4. Cladding samples

Notwithstanding details as shown on the submitted plans, prior to commencement of works to the existing dwellinghouse, details of all external cladding shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the appearance of the building to be altered and character of the Conservation Area is not adversely affected by proposed cladding, pursuant to saved policies DC1.1, DC1.2, and DC1.4, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

5. Hard landscaping details

Notwithstanding details as shown on the submitted plans, before commencement of works to the front driveway, full details of proposed hard landscaping to the site frontage, including design and materials, shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the appearance of the dwelling to be altered and character of the adjacent listed buildings and Conservation Area is not adversely affected by proposed alterations, pursuant to saved policies DC1.1, DC1.2, and DC1.4, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

6. Sample brickwork - rear boundary wall

Notwithstanding details as shown on the submitted plans, prior to commencement of works to the rear boundary wall, a sample panel with brickwork and mortar shall be made available on site for inspection by the local planning authority and approved in writing. The works should where possible reutilise the existing original brickwork available on site. The works shall be in accordance with the approved specifications and remain in perpetuity.

Reason - To ensure the appearance of the boundary to be altered and character of the adjacent listed buildings and Conservation Area is not adversely affected by proposed boundary treatment, pursuant to saved policies DC1.1, DC1.2, and DC1.4, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

7. Gate details

Notwithstanding details as shown on the submitted plans, prior to the installation of the proposed gate in the rear boundary treatment, full manufacture specification details should be submitted to and approved in writing by the local planning authority.

Reason - To ensure the appearance of the boundary to be altered and character of the adjacent listed buildings and Conservation Area is not adversely affected by proposed boundary treatment, pursuant to saved policies DC1.1, DC1.2, and DC1.4, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

8. Protection of Retained Trees

- a) No below ground works shall commence until full detailed structural specifications of proposed front driveway works and rear canopy (in accordance with BS5837 (2012) Trees in relation to design, demolition and construction unless otherwise agreed in writing), has been submitted to and approved in writing by the Local Planning

Authority. These should include details of design, such as services, drainage, boundary treatments and detailed construction specifications.

- b) No below ground works shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement. The AMS shall include for on-site monitoring by an arboricultural consultant, including site visits at key stages and on-site supervision of specific operations that relates to trees. Proposals shall include for reporting back to the LPA at each intervention.
- c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of underground services, without prior written approval of the LPA.
- d) No retained tree, as shown on the proposed site plan (plan ref: P689_210 D), shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

Reason - To ensure protection and preservation of trees that make a positive contribution to the character and amenities of the Conservation Area. In the absence of appropriate measures the retention and long term health of the trees could be compromised by the carrying out of the approved development.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)
Heritage & Urban Design

17 Millgate Lane, Didsbury, Manchester, M20 2SW
34 Kingston Road, Manchester, M20 2RZ
15 Millgate Lane, Didsbury, Manchester, M20 2SW

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 AREA