

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139414/JO/2024

Date registered valid: 4 April 2024

Proposal: Variation of condition 3 (materials) attached to planning permission referenced 133771/FH/2022 to allow changes to the final materials which includes the use of white finished render at ground and first floor levels, and grey roof tiles.

Address: 12 Marton Avenue, Manchester, M20 5LN

Ward(s): Didsbury East Ward

Applicant: Mr Tallal Tantoush

Agent (if any): Mr Mahmud Tantoush

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 May 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 15 May 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 11 April 2024 Expired: 2 May 2024

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

The application relates to a two storey semi-detached C3 dwellinghouse of brownish red brick and off-white render, with a hipped roof. The property features a catslide roof to the front, with a porthole window, both common features of this area. The plot includes front and rear gardens with a driveway and detached garage.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

Marton Avenue is a short residential street off Ruabon Road, near Parrs Wood in East Didsbury. It is characterised by similar dwellinghouses to the application site, featuring porthole windows and render at first floor and catslide roofs. The area benefits from its proximity to Didsbury Village, a metrolink stop, train station and entertainment complex.

Description of development

The applicant originally sought planning permission to build two storey front and side extensions, to form additional living accommodation in the form of a porch, larger kitchen, study, larger 3rd bedroom and additional bathroom which was approved under planning reference: 133771/FH/2022. The applicant now wishes to make changes to vary condition 3 (materials) to allow changes to the final materials which includes the use of white finished render at ground and first floor levels, and grey roof tiles.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – Two representation were received in response to the notification letters. One representation received objecting to the proposal raised concerns that chosen render was incongruous with character of the streetscene and wider area and should be contained to first floor only as per the original approved application.

A second representation raised comments neither in support or against the application and raised a question asking if there would be any further work done to the property.

Issues

Planning History – There has been two applications for a certificate of lawful proposed development submitted. Details are provided below:

Application Reference: 133771/FH/2022

Description: Erection of a two storey side extension and two storey front extension to create additional living accommodation following demolition of existing garage.

Decision: Approved 21.07.2022

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

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

Policy SP 1 (Spatial Principles)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy DM1 (Development Management)

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 following saved UDP policies is also considered to be relevant:

DC1 (RESIDENTIAL EXTENSIONS)

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one

of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places)

National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023. 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:

Chapter 12: Achieving well-designed places.

The Principle – The applicant originally sought planning permission to build two storey front and side extensions, to form additional living accommodation in the form of a porch, larger kitchen, study, larger 3rd bedroom and additional bathroom which was approved under planning reference: 133771/FH/2022. The applicant now wishes to make changes to vary condition 3 (materials) to allow changes to the final materials which includes the use of white finished render at ground and first floor levels, and grey roof tiles.

At the time of the site visit 15th May 2024, the application of render had already been applied and the grey roof tiles installed on the property.



The scale, massing and general appearance including the impact of the additions to the property have already been considered during the original application. Matters this time requiring consideration are as follows.

Appearance and Visual Amenity – The original properties in the area contained a mixture of facing red/brown brick at ground floor with decorative brick quoins at first floor and red tiled roofs. As discussed, the original approved application sought to replicate existing appearance

with a render and brick quoins, however, during the build the applicant also rendered the ground floor and subsequently submitted an application to regularise the change of materials.

The result as can be seen in the photographs above where the ground and first floor on the elevations facing Marton Avenue are an off white rendered. At the side the materials are brick on the ground floor and render at first floor as per the original elevation. The roof tile has also been replaced with a grey roof tile.

It is important to note that there are no article 4 directions in place restrict different materials etc nor is the site located within article 2(3) land (conservation area) whereby stricter assessment on the heritage impacts would have to be considered.

Concerns relating to the proposal being out of character are noted, however, as can be seen in the area notably 13 Marton Avenue (almost directly opposite), that other properties have introduced render or a pebble dash to the ground floor. In terms of appearance the render is an appropriate material for the dwelling and that the overall design is in keeping with the original property it is considered that the changes would not be so harmful visual to warrant the refusal of the application.

Residential Amenity – The impact would not be detrimental to residential amenity of both current and future residents but also neighbouring residents to warrant the

Conclusion – The changes to the materials have resulted in a finish that to the casual observer would have cause no apparent visual harm, on balance, the use of rendered at ground floor and grey roof tiles are considered acceptable.

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 complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

2) The development hereby approved shall be carried out in accordance with the drawing numbered 'SK03 A', stamped as received by the City Council as Local Planning Authority with the application form on the 26th May 2022 and SK05 April 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) The materials to be used on the external surfaces of the extensions hereby permitted shall be carried out in accordance with the drawing numbered SK05 April 2024.

Reason - To ensure 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 DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

17 Marton Avenue, Manchester, M20 5LN
15 Marton Avenue, Manchester, M20 5LN
13 Marton Avenue, Manchester, M20 5LN
7 Ruabon Road, Manchester, M20 5LB
14 Marton Avenue, Manchester, M20 5LN
10 Marton Avenue, Manchester, M20 5LN

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: SOUTH AREA