

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140402/FH/2024
Date registered valid: 28 June 2024
Proposal: Erection of single storey side and rear extension
Address: 15 Stanbury Walk, Manchester, M40 7LY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Jacob Mercer
Agent (if any): Dr Kanadi Jagafa, Mason and Marlowe Ltd
Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 22 August 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 22 July 2024

Standard consultations:

Printed: 11 July 2024 Expired: 1 August 2024

Neighbour notifications

Printed: 11 July 2024 Expired: 1 August 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of site / building / area

This application relates to no. 15 Stanbury Walk. It is an end-of-terrace dwellinghouse along a row of eight terraced houses. The site benefits from garden area to three sides, including boundary treatment. There is a walkway that runs along the front of the terrace. Off-street car parking is along the rear elevation with access from Lower Vickers Street. To the south east of the site lies Victoria Mill which is a Grade II star listed building much of which has been converted to residential apartments and commercial uses. There is a children's playground adjacent to Victoria Mill. The area is also in the Miles Platting PFI regeneration area which is subject to a rolling programme of initiatives. The remainder of the area is predominantly residential in character, with the Rochdale Canal to the far south of the site.

Description of development

The submitted plan proposes a single storey side and rear extension to provide additional living accommodation, together with a front porch.

The proposed single storey side and rear extension element would be set-back approximately 300mm from the front building line of the host dwelling and would measure approximately 3999mm wide along the front elevation. It would then project approximately 10244mm along the side garden, then come forward of the common shared boundary with no. 13 Stanbury Walk approximately 9433mm wide. The proposed maximum rearward projection would be

approximately 1910mm deep (which mirrors the depth of the existing rear outrigger. The extension would incorporate a combined lean-to pitched and hip roof design and would incorporate a door along the front elevation, windows and doors along the side elevation, 3no. windows along the rear roof elevation, together with 1no. window, 1no. door, including bi-fold doors along the rear elevation. It is intended to use external facing materials to match the original dwellinghouse.

The submitted information includes a proposed front porch measuring approximately (1646mm deep x 2682mm wide x 3231mm high), which would be placed in front of the existing front door whilst being stepped away approximately 147mm from the common shared boundary with no. 13 Stanbury Walk, whilst leaving a distance of approximately 2022mm from the front boundary. It would incorporate a pitch roof design and would include 1no. centrally positioned door with 1no. window each flanked either side. It is intended to use matching materials.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No comments, objections or representations were received.

2. The Coal Authority

No comments on this occasion.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66 and 72 of the Listed Building Act 1990 provide that in considering whether to grant planning permission for development that affects a listed building or its setting, the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'. The Framework has been related to the proposed development, with particular emphasis given to the following:

- o Chapter 12: Achieving well-designed places.

3. Places for Everyone (2024)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The plan was adopted by the Council on 20 March 2024 and will come into effect from 21 March 2024. The

plan sets out the kind of development that takes place across the city-region. It maximises the use of brownfield land and urban spaces; protects green belt land from the risk of unplanned development; releases some sites for housing and employment in key locations; ensures we integrate all new developments into Greater Manchester's transport network. Otherwise, new roads and transport will support them. The Plan and its policies are now a material planning consideration in the determination of planning applications, and therefore be given significant weight in the planning balance.

4. The Manchester 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.'

The following policies are relevant to the proposed development:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy EN3 (Heritage)
- o Policy T2 (Accessible areas of opportunity and need)

5. Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.

- o Saved Policy DC1.1, DC1.2 and DC1.3 (Residential Extensions), and
- o Saved Policy DC19.1 (Listed Buildings) and considered relevant.

6. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007

- o Chapter 2: Design

ISSUES

Principle

The principle of extending one's home is generally acceptable in circumstances where there is no overriding unduly harmful impact and the planning system accommodates this demand for more living space, while at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed. In this instance, the extension is to a residential dwelling, this is considered acceptable in principle as many people prefer to extend their homes rather than move in order to meet the changing residential needs of families. Within this context, the proposed extension would appropriately fit seamlessly into the character and scale of the surrounding urban fabric. Consideration is given to the proposal's appearance, impact on the visual amenity of the area, impact on the neighbouring properties' residential amenity and the impact the extension could have on the Grade II star Listed Building in relation to the policies stated above.

Residential and visual amenity

Impact of works (single storey side and rear extension, together with front porch) - In light of the existing sizable surrounding garden, the proposed side and rear extension is not considered to have detrimental impacts on the residential amenity currently experienced by neighbouring occupiers. The extension's rearward projection would broadly mirror the depth of the existing rear outrigger; thereby becoming flush and not overextending the rear boundary line with the adjoining property. It is therefore not considered to have a detrimental impact on neighbouring properties in terms of over-dominance, over-shadowing or over-looking and is within the guidance set out in saved UDP policy DC1.3 a) regarding rearward extension, which is considered acceptable.

The proposed new fenestration in the property in terms of visual amenity and privacy and overlooking is considered acceptable against the principles set within DC1.2.

With regard to the proposed porch, in light of the fact that Householder General Permitted Development Rights allows for front porch extensions to dwellinghouses without the submission of a formal planning application, provided that certain requirements and limitations are met. In this instance, the proposed porch would measure approximately (1646mm deep x 2682mm wide x 3231mm high). Whilst the proposed depth and width would be in line with permitted development, the proposed height would exceed the limitations by approximately 231mm. Therefore, it is this variance which planning permission is sought. With this in mind, it is considered that the resultant contextual relationship of this variance along the common shared boundary with no. 13 Stanbury Walk could be accommodated in this location, in this instance without any significant adverse impacts to residential amenity, nor is it considered that the proposed scale would be unduly overbearing given the proposed depth of front amenity space that would still be retained, combined with the resultant separation distance that would still be retained from the walk way. Overall, within the context of the sizable surrounding garden, the proposed extensions are considered to be subservient to the existing property and therefore does not create any significant impacts in terms of visual and residential amenity within the character of the general area.

Impact of works (design and appearance) - It is not considered that the proposed development would unduly harm the character of the building or the general area. The materials would match the existing, although it is recommended a materials condition is attached to ensure that the materials are adhered to, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1 and saved UPD policy DC1.

Impact of works (waste management) - The existing arrangement would be unaffected. The site has sufficient land to maintain the appropriate storage of bins, including entry points along the boundary. It is considered acceptable and in accordance with Core Strategy policy DM1, EN19 of the Core Strategy and saved policy DC1 of the UDP.

Impact of works (car parking) - The existing arrangement would be maintained. It is considered acceptable and in accordance with Core Strategy policy DM1 and saved policy DC1 of the UDP.

Impact of works (Heritage Impact) - The Grade II star listed building of Victoria Mill is situated directly across the site in a south easterly direction. It is therefore paramount that due consideration is given to any potential impacts the proposed new extensions possess towards this historic landmark. As previously mentioned, Sections 66 and 72 of the Listed Building Act 1990 provide that in considering whether to grant planning permission for development that

affects a listed building or its setting, the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 16 of the NPPF establishes the criteria by which planning applications involving heritage assets should be assessed and determined. Paragraph 192 identifies that Local Planning Authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment and be utilised to assess the significance of heritage assets and the contribution they make to their environment. Furthermore, policy EN3 of the core strategy and saved Policy DC19.1 of the UDP assert that Local Planning Authorities must regard and preserve the building's general setting.

For this application, due to site's curtilage and Lower Vickers Street and Denver Avenue acting as a buffer between the nearby Grade II star Listed Building, together with the established residential urban fabric, it is not considered that the proposed single storey side and rear extension, together with the front porch would have a detrimental impact upon the character and appearance of the listed building or its surrounding area. Therefore, in summary the heritage significance of Victoria Mill would be maintained and not suffer as a consequence from this application.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (2021) chapter 12; policies SP1, DM1, EN1, EN3, EN19 of The Manchester Core Strategy Development Plan Document (2012); saved policy DC1, DC19.1 of the Unitary Development Plan (1995); and chapter 2 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and no neighbour comments or objections have been received in response to this application.

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

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. In this instance, the local planning authority had no issues to raise with the agent but has attached appropriate conditions to the approval.

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:

- o Householder Application for Planning Permission for works or extension to a dwelling form, received by the City Council as the Local Planning Authority on 28 June 2024.
- o Location Plan with application site edged in red, received by the City Council as the Local Planning Authority on 28 June 2024.
- o Design & Access Statement, received by the City Council as the Local Planning Authority on 28 June 2024.
- o Flood Risk Assessment or Drainage, received by the City Council as the Local Planning Authority on 28 June 2024.
- o Existing Site Plan, with application site edged in red, received by the City Council as the Local Planning Authority on 28 June 2024.
- o Existing & Proposed Plans and Elevations, including Location Plan, received by the City Council as the Local Planning Authority on 28 June 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans and submitted information; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Core Strategy (2012).

3) The external facing materials to be used on the extension hereby approved shall match those of the original dwellinghouse in terms of type, colour, texture, scale, pointing and coursing and as stated on the submitted information and approved drawings.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Core Strategy (2012).

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 development hereby approved other than those stated on: Existing & Proposed Plans and Elevations, received by the City Council as the Local Planning Authority on 28 June 2024.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Manchester Core Strategy (2012).

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

The Coal Authority

12 Blackford Walk, Manchester, M40 7WG
5 Denver Avenue, Manchester, M40 7LZ
11 Denver Avenue, Manchester, M40 7LZ
13 Stanbury Walk, Manchester, M40 7LY
9 Denver Avenue, Manchester, M40 7LZ
7 Denver Avenue, Manchester, M40 7LZ
3 Denver Avenue, Manchester, M40 7LZ
13 Denver Avenue, Manchester, M40 7LZ
1 Denver Avenue, Manchester, M40 7LZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA