

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139785/JO/2024

Date registered valid: 15 April 2024

Proposal: Variation of condition numbers 2 (drawings and documents) and 4 (Materials) from planning approval reference 138977/FH/2024 to allow change in materials to be used to external elevations

Address: 19 Tyndall Avenue, Manchester, M40 9PL

Ward(s): Moston Ward

Applicant: Ms Trang Tran

Agent (if any): Steve Shiels, Shiels Design Limited

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 10 June 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 24 January 2024 (138977 FH 2024)

Standard consultations:

Printed: 29 April 2024 Expired: 21 May 2024

Neighbour notifications

Printed: 29 April 2024 Expired: 21 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 19 Tyndall Avenue within the north Manchester ward of Moston. The application site relates to a detached, two storey, red brick dwellinghouse with two two storey outriggers to the front of the property with gabled roofs and a single storey front porch. Due to the property's architecture and siting on the corner of Tyndall Avenue and Wharfedale Avenue, the property acts as a prominent feature within the streetscene. Amenity space wraps round the applicant property taking the form of an off street driveway and areas of soft landscaping.

The surrounding area is residential in nature, with the Site of Biological Importance, Boggart Hole Clough, to the north of the site.

Description of development

The current application seeks permission for the variation of condition numbers 2 (drawings and documents) and 4 (Materials) from planning approval reference 138977/FH/2024 to allow change in materials to be used to external elevations.

The application of 138977/FH/2024 sought consent for elevational alterations involving porch remodelling and replacement windows, together with relocation of the pedestrian access and new gates to driveway and replacement of boundary treatment around the site. Permission was granted on 26 March 2024.

The works approved included:

The remodelling of the porch would result in a similar foot print but would involve the remodelling of the roof type to have a canopy which would come forwards of the existing building line of this part of the building. The structure would have approximate dimensions of Height: 3.5 x Length: 4.6 x Width: 3.6 metres. New windows and door would be inserted in the primary elevation of the proposed porch, of a black PVCu product.

Windows would be replaced as a result of the proposal and would include the following changes:

- Primary elevation- change of garage door to black PVCu windows
- South west elevation (facing highway)- windows changed to black PVCu
- Rear elevation- windows changed to black PVCu and change from a door to window and window converted to bi-fold doors, change to PVCu
- North east elevation (facing no.21 Tyndall Avenue)- removal of two windows, change to PVCu

Whilst this element of works can be achieved through the route of Permitted Development, they are included within the description of development for completeness.

The existing pedestrian access to the property would be relocated as a result of the proposal. The pedestrian access from Wharfedale Avenue would be removed and relocated off Tyndall Avenue. The boundary treatment and gates surrounding the property would be updated as a result of the property. Sliding gates and a new pedestrian gate would be installed and the wall around the corner of Wharfedale Avenue/Tyndall Avenue would change to a brick wall with black infill railings.

Through the current variation application, the proposal seeks permission for changes in the external appearance of the building and the insertion of a K Rend external system in a Champagne colouration. All elevations of the dwellinghouse would receive some level of render- this would include:

- to the south east (front) elevation- render to be installed across the two storey front outrigger and the proposed re-modelled front porch,
- to the south west elevation (side elevation facing the road of Wharfedale Avenue)- render to be installed across the side elevation of the two storey outrigger to the front and the side elevation of the proposed re-modelled front porch,
- north west (rear) elevation- render to be inserted across part of the rear elevation and would not include the gable element which extends beyond the rear building line of the property,
- north east elevation (facing the neighbour of no.21 Tyndall Avenue)- render to be inserted on the side elevation of the two storey front outrigger at the site.

Verge string and window soldier course above the fenestration across the building as existing would be replicated using webberwall brick tiles.

Within the application form, it is stated the remediation of the existing brickwork (to remove and replace the brickwork) in order to improve the severely deteriorated, badly mis-matched, spalling and patchy brickwork would be economically unviable. The application form also stated leaving the brickwork in its current state would lead to further deterioration.

Further Planning History

No planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted on the application and provided the following comments:

In principle, Highways have no objection to the variation of the above mentioned condition.

All previous comments in relation to the original application (reference number 138977/FH/2024) remain relevant for the development in terms of parking, boundary treatments, construction management and servicing requirements.

Issues

POLICY

The National Planning Policy Framework (December 2023)

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
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management)

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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

The Guide 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.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

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.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

The current application seeks permission for the variation of condition numbers 2 (drawings and documents) and 4 (Materials) from planning approval reference 138977/FH/2024 to allow change in materials to be used to external elevations.

Within the application of 138977/FH/2024 permission was originally sought for the installation of render across elevations of the property however due to visual amenity concerns this element of works was subsequently removed from the proposal. The cleaning and re-pointing of brickwork was annotated and presented within drawings approved under the application of 138977/FH/2024, as a solution to repairing the poor brickwork at the property. Within the application form, it is stated the remediation of the existing brickwork (to remove and replace the brickwork) would be economically unviable. As such, the current variation application seeks to gain consent for the installation of render across parts of all four elevations which are characterised by poorly matching and deteriorating brickwork.

The Local Planning Authority through the site visit undertaken for the application of 138977/FH/2024 and from drawings and images presented by the agent acknowledge sections of brickwork across the applicant property are poorly related to the brickwork within the host property in terms of colouration. However, the LPA are unable to support the variation and the reasoning is discussed as followed:

Visual Amenity

The applicant property sits on a corner plot, close to the junction of Tyndall Avenue/ Wharfedale Road. Tyndall Avenue slopes downwards in topography to the junction with Wharfedale Avenue. Due to the property's prominent features of the two gabled front storey outriggers, the form of the property is considered unique as it differs from all building types along this stretch of Tyndall Avenue. As such, the applicant site is considered to act as a prominent feature in the streetscene.

The application of the render across sections of all elevations is considered to create a visually intrusive feature for a property which acts as a prominent feature within the streetscene. The use of the champagne colouration given the existing colour pallet of the applicant property (red brickwork) and many properties in the surrounding area would be out of keeping in terms of colouration. The use of render would also contrast the surrounding area in terms of common materials for external elevations. The two elements together would be considered to be out of keeping with the visual appearance of development in the immediate area and act as an incongruous feature.

Due to the property's corner position, the render would be evident from both Wharfedale Avenue and Tyndall Avenue. As such, all elevations proposed to be covered in render would be visible from the two streets. Whilst it is acknowledged the render by nature would not impact the neighbour's amenity in terms of being overbearing, give rise to any loss of light or create any adverse privacy implications, the proposal is considered to create a feature which would not relate positively to the surrounding properties. By creating a visually intrusive feature in a colouration and materiality which contrasts the host property, it is not considered to positively relate to the area. In turn, this would adversely impact neighbouring properties to the detriment of visual amenity.

During the course of the previous application, a render in a colouration to match the host property was suggested to the applicant as an alternative and could be considered an acceptable compromise. However, the contrasting champagne colouration has been applied for within this application.

Examples of Render within the Streetscene

Within the drawing pack submitted as part of the variation application and drawing reference A.01.3.6, examples of properties with render elements are evidenced for consideration as part of the proposal.

One image shows the neighbouring property of no.16 Tyndall Avenue, sited to the south of the applicant site, which is a fully rendered property, and is sited close to the junction of Tyndall Avenue/ Blue Bell Avenue. Planning history can be found for the neighbouring property under the planning application of 125835/FH/2019 (Conversion of garage to living accommodation, and part retrospective erection of single storey side and rear extension, front porch and alterations to front and side boundary wall, including new gates), approved 25 February 2020. Two more accounts of planning history can be found for this property, however the application of 125835/FH/2019 is the most recent record and will be referred to within this assessment.

A condition was placed on the approval granted for the external facing materials to be used for the extension to match those within the existing building in terms of type, colour, texture and scale. Google Maps show that no.16 Tyndall Avenue has been a fully rendered property from at least 2008 onwards and as such, the extensions undertaken at the neighbouring property were considered sympathetic to the individual circumstances of this property. Historic Google Map records show the consistent use of render and the maintenance of the render and does not show the recent addition of render at the property to support the applicant's proposal. The use of render within this context is considered appropriate to ensure the aesthetic features of the property are maintained. Within the current proposal at 19 Tyndall Avenue, the proposed facing material for the host property would contrast the existing circumstances at the property and therefore not be comparable with the neighbouring application. Further, although it is acknowledged no.16 Tyndall Avenue sits at a corner plot, like the applicant site, the neighbouring property is single storey only, and so differs in form. As such, the neighbouring property has comparable differences to the applicant site.

Within the drawing pack submitted, one image makes reference to a white rendered gable at the property of no.13 Blue Bell Avenue. No planning history can be found for this development. Historic images on Google Maps show the end gable of this property has always been rendered (as early as September 2008) and the white colouration of the image within drawing A.01.3.6 seems to show a new application of the white render, which appears to have become discoloured over the years previously. Also, the application of render relates to one elevation of the property and so differentiates from the application of render across elements of all elevations of no.19 Tyndall Avenue. Further, the siting of no.13 Blue Bell Avenue differs from

the applicant site- no.13 sits along the southern side of Blue Bell Avenue and relates to an end terraced property whereas the applicant site sits on a corner plot and located close to the junction of Tyndall Avenue/ Wharfedale Avenue. For this reason, the example and application of no.13 Blue Bell Avenue is not comparable to the application of render proposed within the current application.

Whilst it is acknowledged there are two examples of white/light coloured render within the immediate area neither circumstances are comparable and as such do not influence the Local Planning Authority's position in relation to the insertion of new areas of render within the applicant site.

Permitted Development

The proposal is for the application of render in a contrasting colouration and therefore an application for planning permission and the assessment of the works is required. In this instance, there is not a permitted development fallback to consider.

Conclusion

In short, the Local Planning Authority does not support the application for the variation of condition numbers 2 (drawings and documents) and 4 (Materials) from planning approval reference 138977/FH/2024 to allow change in materials to be used to external elevations. The introduction of champagne coloured render across elements of all elevations of the host property by reason of the colouration, appearance and materiality would create a visually intrusive feature. The adverse impact is exaggerated by the property's corner plot and large front two storey outrigger which creates a noticeable feature to the junction of Tyndall Avenue/ Wharfedale Avenue. Although the two examples of render in the immediate streetscene were provided for consideration, neither were considered to be comparable in circumstance to influence the position of the LPA. Therefore, the proposal would harm the quality of the building in visual terms, and adversely affect the visual amenity of the site and character of the area. As such the proposal is contrary to the City Council's Core Strategy Planning Policies SP1, DM1 and EN1, JP-S1 of the Places for Everyone, Policy DC1 of the Unitary Development Plan and Section 8 and 12 of the NPPF. It is suggested the applicant cleans and re-points the external brickwork as was shown within the details of the previous application 138977/FH/2024.

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: Refuse

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 officers have worked with the applicant in a positive and proactive manner, however concerns were raised during the course of the application to the agent. The agent advised the applicant wished to proceed with the determination of the application with the route of refusal and as such no alternative scheme was provided during the course of the application.

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

- 1) The introduction of champagne coloured render across sections of elevations of the host property by reason of the colouration, appearance and materiality would create a visually intrusive feature. The adverse impact is exaggerated by the property's corner plot and large two storey outrigger at the front of the property which creates a noticeable feature to the junction of Tyndall Avenue/ Wharfedale Avenue. As such, the proposal would harm the quality of the building in visual terms, and adversely affect the visual amenity and character of the area. As such the proposal is contrary to the City Council's Core Strategy Planning Policies SP1, DM1 and EN1, JP-S1 of Places for Everyone, Policy DC1 of the Unitary Development Plan and Section 8 and 12 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services

1 Wharfedale Avenue, Manchester, M40 9PJ
17 Tyndall Avenue, Manchester, M40 9PH
20 Tyndall Avenue, Manchester, M40 9PP
2 Wharfedale Avenue, Manchester, M40 9PJ
21 Tyndall Avenue, Manchester, M40 9PL
18 Tyndall Avenue, Manchester, M40 9PP

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 - Not Affected
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