

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139317/FO/2024

Date registered valid: 5 April 2024

Proposal: Erection of a second floor rear extension to existing outrigger and three storey rear extension to form ground floor office extension and 1no. duplex flat above.

Address: 117A Withington Road, Manchester, M16 8EE

Ward(s): Whalley Range Ward

Applicant: Mr Mirza Irfan Baig Range Solicitors

Agent (if any): M Farooq Building Design Services

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

Recommendation: Refuse

Date of recommendation: 31 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10 April 2024

Standard consultations

Printed: 9 April 2024 Expired: 30 April 2024

Neighbour notifications

Printed: 9 April 2024 Expired: 30 April 2024

Site notice

Posted: 10 April 2024 Expired: 1 May 2024

Press advert

Published: 16 April 2024 Expired: 30 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a two storey semi-detached brick-built property at the junction of Withington Road and Yarburgh Street. The property has a second floor within the roof and there are two dormers on the front elevation. At the rear is an original two storey gable outrigger, shared with the adjoining property, No 117B. The application property has a shop front fascia projecting in front of the main face of the property to Withington Road. There is a 13m yard at the rear bound by fencing. The premises are currently used as a solicitors office and car hire office (Class E) at ground floor level with living accommodation at first and second floors. The application property is located within the Whalley Range conservation area.



Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

Description of area

The property is located at the northern end of the Withington Road local centre within the Whalley Range conservation area. The adjoining semi, 117B, is currently used as a chemist shop with living accommodation over. This neighbouring property affords a single storey rear extension which wraps around the outrigger and projects 10 metres from the rear face of the outrigger, retaining a small enclosed rear yard.

There are commercial properties with residential above, facing opposite the site across Withington Road (west) and across Yarburgh Street (south). A car wash business is sited directly north of the application site and an area of incidental open space directly east.

Description of development

Consent is sought to erect a second floor extension above the original rear outrigger and three storey rear extension.

The proposed second floor extension would occupy the full width and length of the existing outrigger, designed flush above. The extension would be of brick construction and alter the roof pitch of the existing outrigger. Two windows are proposed in the side elevation facing north. This element would increase living accommodation within the existing self-contained flat, to create a four bedroom, 2 bathroom unit.

The proposed three storey rear extension would project 10.8m from the rear face of the original outrigger. The extension would be of brick construction with a shallow gable roof. The ridge height would be marginally lower than that of the outrigger and the eaves height would be lower than that of the outrigger and main building. There would be six windows in the eastern facing rear elevation and 2 windows in the western facing front elevation. A GF access door is proposed in both the front and rear elevations. The extension would create an office extension at ground floor and 2 bedroom, 2 bathroom duplex apartment at first and second floor.

This proposal is similar in design and scale to the two previously refused applications on the adjoining property no. At 117B Withington Road.

Consultations & Notification Responses

Local responses

None

Consultee responses

Highway Services – The site is located adjacent to the adopted highway of Withington Road. A 20mph speed limit, Limited Waiting (30 Minutes, No Return within 1 Hour Mon-Sat 8am-6pm), No Waiting at Any Time and No Loading (Mon-Fri 8am-9.30am and 4pm-6pm) are in place.

The proposed development extends only within the red-line boundary of the site and as

such, does not impinge upon the adopted highway.

Given that the proposed development is resultant in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. The office on the ground floor is understood to be associated with the existing office use. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

The site is well accessed by sustainable modes. Regular bus services and tram services are within walking distance of the site.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. This is the same as the existing conditions on-site.

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

A refuse store is noted within the site. It is understood that the office and residential waste will form part of the existing waste collection arrangements.

Environmental Health – No objections, subject to conditions controlling residential sound insulation and overheating, and refuse management.

MCC Flood Risk Management – No objections, subject to Flood Risk Assessment condition.

Cadent Gas – No objections, informative note required

Whalley Range Conservation Area Group – No comments received

Whalley Range Forum – No comments received

Relevant Planning History

At 117B Withington Road –

132794/FO/2022 – Erection of first floor rear extension above existing single storey to form additional storage area for existing pharmacy and elevational alterations to the ground floor of the Yarborough Street frontage. Refused 01.04.2022, on the grounds of impact upon the conservation area and residential amenity.

129729/FO/2021 – Erection of first-floor rear extension on top of existing single-storey to form additional storage area for existing pharmacy. Refused 11.06.2021, on the grounds of impact upon the conservation area and residential amenity.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

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.

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

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:

JP-S1 – Sustainable Development

JP-P2 – Heritage

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

DM 1 – Development Management

SP 1 – Spatial Principles (partially superseded by PfE)

EN 1 – Design Principles and Strategic Character Areas

EN 3 – Heritage (partially superseded by PfE)

EN 8 – Adaptation to Climate Change (partially superseded by PfE)

EN 14 – Flood Risk (partially superseded by PfE)

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

DC18 – Conservation Areas

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

National Planning Policy Framework

The NPPF (2023) 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 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Issues

Principle of development:

Whilst the Council seeks to assist local businesses this cannot be at the expense of the amenity of residents or have a harmful impact on the character of the area or the Whalley Range Conservation Area. The issues arising from this application are discussed below.

Impact on visual amenity, the conservation area and the streetscene:

The proposal seeks permission for a second floor extension above the original rear outrigger and three storey rear extension.

117A Withington Road is sited on a prominent corner plot location within the Whalley Range conservation area, with all elevations visible from public vantage points. Therefore, the proposed extensions would be highly visible from Withington Road to the west, Yarborough Street to the south and Sedgeborough Street to the east.

The original property is characterised by period brick-built construction with decorative string coursing, gable roofs and subservient original rear gable feature. The historic pattern of development found in this part of the conservation area, features a strong sense of openness to the rear of properties fronting the highway, which is created by substantial rear yards.

The proposed three storey extension will create a three storey structure with a 10.8 metre rear projection from the original gable. Notwithstanding the existing single storey development at no. 117B Withington Road, the erection of a considerably larger three storey rear extension would create a sense of enclosure that is not part of the areas character and due to the openness of the surrounding area the extension would be highly visible. As such, the extension would have significant impact upon the character of the original property and conservation area, due to its excessive scale when viewed along Withington Road southbound and Yarburgh Street in either direction. Irrespective of this being a conservation area it is considered that this large rear extension would be unacceptably intrusive upon the openness of this area.

The design of the proposed three storey extension is considered to pose little architectural merit and does not read as a sympathetic addition to the original building. Fenestration is proposed in the front and rear elevations only, creating a 10.8m solid expanse of brickwork to the side elevations which would be highly visible and be considered as a stark and incongruous form within the street scene and conservation area. In addition, this element would project beyond the original northern side elevation of the host dwelling, given the proposed splayed footprint, in turn creating an incongruous detail that would be highly visible when viewed from the front. The three storey extension would accommodate a gable roof with shallow pitch, which is considered at odds with the original property, significantly harmful to its character.

The proposed second floor rear extension would erode the existing characterful roof form of the original rear outrigger, proposing a shallow mono-pitch with raised eaves level to match the main body of the building. Moreover, when read cumulatively the proposed rear extensions would wholly subsume the existing two storey gable outrigger, which is considered a characteristic feature of the semi-detached pair and wider conservation area. Whilst this harm may be less than significant in terms of the NPPF, the detrimental impact on the character of the host property and Whalley Range Conservation area is considered sufficient to justify a refusal of planning permission.

The proposed developments are therefore contrary to the provisions of Places for Everyone policy JP-P2, Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policy DC18.

Impact on residential amenity:

Given the siting and orientation of the proposed extensions in relation to neighbouring properties, the proposal is not considered to give rise to undue impacts upon the residential amenity in the form of overshadowing, overdominance and overlooking.

No 117B Withington Road the adjoining property doesn't afford any habitable room windows adjacent to the proposed extensions, as such the proposal would not impact outlook nor privacy of neighbouring occupants.

Two windows are proposed in the side elevation of the second floor extension. Directly north is a car wash business with single storey office along the shared boundary, beyond this, the nearest habitable room windows are sited circa 24m away at 115 Withington Road. As such, these windows would not create any impact over and above existing.

Similarly, fenestration in the rear elevation of the proposed three storey extension, would afford sole outlook over the incidental greenspace due east. Nearest residential properties are sited circa 40m away. As such, no impacts are considered.

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

Highways:

MCC highways have been consulted on this application and consider the number of vehicular trips associated with the developed site is expected to be minimal. Given that the proposed development is resultant in one additional residential dwelling and enlargement to an existing office and apartment. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

It is further acknowledged, there is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. This is the same as the existing conditions 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.

Recommendation: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their significant concerns about this proposal to the agent during the course of the planning application, but these concerns cannot be overcome, given that the principle of development is unacceptable. The offer of withdrawal was presented. The proposal is considered to be contrary to the development plan and therefore has been refused in a timely manner.

Reasons for recommendation to refuse

1. Character of Conservation Area

Having regard to the prevailing pattern of development found in the area, the proposed three storey rear extension and second floor rear extension within the existing outtrigger by reason of their scale, siting, design and prominent location would have a detrimental impact on the character of the host property and Whalley Range Conservation area. The proposed developments are therefore contrary to the provisions of Places for Everyone policy JP-P2, Core Strategy policies DM1 and EN3 and saved Unitary Development Plan policy DC18.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Whalley Range Conservation Area Group
Whalley Range Forum

98A Withington Road, Manchester, M16 8FA
4A Yarburgh Street, Manchester, M16 7FJ
94B Withington Road, Manchester, M16 8FA
94C Withington Road, Manchester, M16 8FA
94A Withington Road, Manchester, M16 8FA
Top Flat, 117A Withington Road, Manchester, M16 8EE
Flat 4, 111 - 113 Withington Road, Manchester, M16 8EE
Flat 3, 111 - 113 Withington Road, Manchester, M16 8EE
Flat 2, 111 - 113 Withington Road, Manchester, M16 8EE
113A Withington Road, Manchester, M16 8EE
Flat 1, 111 - 113 Withington Road, Manchester, M16 8EE
111 - 113 Withington Road, Manchester, M16 8EE
Car Wash Adjacent 117, Withington Road, Manchester, M16 8EE
Sport Bar, 121 Withington Road, Manchester, M16 8ED
98 Withington Road, Manchester, M16 8FA
117B Withington Road, Manchester, M16 8EE
6 Yarburgh Street, Manchester, M16 7FJ
4 Yarburgh Street, Manchester, M16 7FJ
119 Withington Road, Manchester, M16 8EB

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 - 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