MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138977/FH/2024
Date registered valid:	11 January 2024
Proposal:	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.
Address:	19 Tyndall Avenue, Manchester, M40 9PL
Ward(s):	Moston Ward
Applicant:	Ms Trang Tran
Agent (if any):	Steve Shiels Shiels Design Ltd
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**26 March 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 24 January 2024

Standard consultations:
Printed: 22 February 2024 Expired: 29 February 2024

Neighbour notifications
Printed: 22 February 2024 Expired: 29 February 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 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 Road, 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 submitted application seeks planning permission 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.

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 Road 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 Road/Tyndall Avenue would change to a brick wall with black infill railings.

Amended Plans

Plans were amended from those originally received. The original scheme showed the application of white render across the property and due to concerns in relation to visual amenity, was subsequently removed from the proposal and from the description of development. Further, issue was raised in relation to the boundary treatment in terms of highway safety and the materials of white rendered walls and composite infill panelling which would not relate well to the existing property and surrounding residential context. The boundary treatment was amended to overcome concerns raised. The scheme assessed within this application is considered to overcome issues raised during the course of the application and an assessment of the scheme is set out below.

Planning History

No planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted on the application and no responses were received.

Highway Services

Highway Services were consulted on the application and the following comments were received:
The associated elevational alterations will be contained within the site boundary and will not impinge upon the adopted highway, this is acceptable to Highways.

In-curtilage parking will remain as existing, using the existing vehicular access point, this is acceptable to Highways.

The pedestrian access point is acceptable to Highways.

The applicant should be advised that all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines. Highways have concerns over compromised visibility between an egressing vehicle and passing pedestrian / motorised traffic along Tyndall Avenue. There is also a concern that the height of the boundary treatment will limit visibility for vehicles using the adjacent junction of Tyndall Avenue and Wharfedale Avenue.

It must be ensured that all gating which is accessed from the highway is inwardly opening in order to prevent obstruction to passing footway users

It is noted that the existing waste and servicing arrangements will continue, this is acceptable to Highways.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Further Highway comments: 28 February 2024
Submitted plan, drawing no. A.01.2.6, shows the boundary wall height as 600mm with slatted infill allowing visibility, this is acceptable to Highways.

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), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

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 CABE 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

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant weight in the planning balance.

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

ISSUES

Principle of Development

The submitted development application is for the 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. This is considered acceptable in principle, as many people prefer to alter homes rather than move to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

Porch remodelling:
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. New windows and door would be inserted in the primary elevation of the proposed porch. Windows would be replaced within the porch and changed to a black PVCU window replacement. The proposal due to its nature and given the property does not have a neighbour immediately to the south of the applicant site, no adverse visual/residential amenity implications would occur for the surrounding properties. The front porch would be updated and provide a high quality space for the resident's use.

Replacement windows:
The windows across the property would be changed to the following:
-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

None of the changes would give rise to amenity implications. The change from the existing garage to the utility with windows is considered acceptable given room would remain for cars to be parked off street.

Relocation of the pedestrian access and new gates to driveway and replacement of boundary treatment around the site:
The existing pedestrian access to the property would be relocated as a result of the proposal. The pedestrian access from Wharfedale Road would be removed and relocated off Tyndall Avenue. The boundary treatment and gates surrounding the property would be updated as part of the proposal. Sliding gates and a new pedestrian gate would be installed and the wall around the corner of Wharfedale Road/Tyndall Avenue would change to a brick wall with black infill railings. At the highest point, the boundary treatment would have a height of 1.4 metres.

This section of the proposal gives rise to concerns regarding pedestrian and highway safety. No issues were raised in relation to the removal of the pedestrian entrance from Wharfedale Road.

Highway Services were consulted on the original scheme with higher composite infill panels and white rendered brickwork and expressed concerns with the proposal:
The applicant should be advised that all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines. Highways have concerns over compromised visibility between an egressing vehicle and passing pedestrian / motorised traffic along Tyndall Avenue. There is also a concern that the height of the boundary treatment will limit visibility for vehicles using the adjacent junction of Tyndall Avenue and Wharfedale Avenue.

As a result, the proposal was changed to have a reduced height of boundary treatment, especially around the corner of the site. Highway Services reviewed the proposal and as submitted plan, drawing no. A.01.2.6, shows the boundary wall height as 600mm with slatted infill allowing visibility, this was acceptable to Highways.

As such, the proposed boundary treatment is not considered to give rise to residential harm in the form of pedestrian safety.

However, during the course of the application, concern was raised that the boundary treatment with composite infill panels and white rendered brickwork would create an incongruous feature in the streetscene to the detriment of visual amenity. This was subsequently altered and the proposed boundary treatment of black metal infill railings and low brick wall would be in keeping with the surrounding area and therefore no adverse amenity implications would occur as a result of the proposal.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity, and any harm has been reduced within the revised drawings received.

Design and Appearance

Porch remodelling:
The footprint of the existing front porch would be retained and the structure updated to meet the resident's request. The changes would be minimal and it is noted similar front porches could be erected through the route of Permitted Development. This element of the proposal is not considered to give rise to harm in relation to design and appearance, pursuant to Policy DC1 of the UDP.

Replacement windows:
The changes to the windows are considered acceptable to support the internal changes to the property. Although the use of black PVCu within the windows and doors would alter the appearance of the property, it is to be noted window frames can be changed through Permitted Development rights and as such, it would be considered acceptable. Further, all the windows would be updated ensuring a sense of continuity at the site. A materials condition to this effect and conditioning any other materials within the proposal would be attached to any consent granted.

Relocation of the pedestrian access and new gates to driveway and replacement of boundary treatment around the site:
Amendments to the proposal to involve the insertion of low brick walls with steel black infill panels ensures the proposed boundary treatment is in keeping with the existing at the site, and the material pallet used within the existing property and within the wider streetscene is maintained. This is especially important given the property sits at a prominent position due to its size and location. As such, this element of works is considered pursuant to Policy DC1 of the UDP.

At the highest point, the boundary treatment would have a height of 1.5 metres. It is to be noted that through the route of Permitted Development, a fence of 1 metres can be erected at the location against a pavement. At the proposed vehicular entrance point, the boundary treatment would have a height of 1.1 metres with a level of visual permeability from the metal railings. As such, the boundary treatment offers a larger level of visual permeability than if the boundary treatment was to be erected through the route of Permitted Development. Around the perimeter of the site onto Wharfedale Road the sense of visual permeability would still be retained. Although the level of visual permeability starts after 900mm and not 600mm, it is still considered to offer a decent level of visual permeability given the metal railings and would offer more visibility than is currently the case.

Further, Highways reviewed the revised height and were happy with the proposal. and therefore, this element of works is considered acceptable, pursuant to Policy DC1 of the UDP.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Car Parking Arrangements

Whilst the internal garage would be lost as a result of the proposal, an additional section of the front amenity space would be paved through the route of Permitted Development, by using SUDs paving. The newly paved area could accommodate the lost car parking space and would be considered acceptable.

Bin Storage

Bin storage would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area, and the revised scheme overcomes issues raised.

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 polices 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 officers have worked with the applicant in a positive and proactive manner, a revised scheme has been

provided to overcome concerns raised and appropriate conditions have been placed on any approval granted.

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:
-Drawing references A.01.2.1 Rev A; A.01.2.2 Rev A; A.01.2.3 Rev A ; A.01.2.4 Rev A; A.01.2.5 Rev A; A.01.2.6 Rev A; all as received by the City Council as Local Planning Authority on 18 March 2024.

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

3) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out within Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

5) The development shall be carried out in accordance with the boundary treatments details as set out on the approved plans detailed within condition 2 of this approval.

Reason - In order to secure the site boundaries, to ensure a satisfactory appearance in the interests of visual amenity and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding /

scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Highway Services

5 Wharfedale Avenue, Manchester, M40 9PJ
1 Wharfedale Avenue, Manchester, M40 9PJ
17 Tyndall Avenue, Manchester, M40 9PH
3 Wharfedale Avenue, Manchester, M40 9PJ
23 Tyndall Avenue, Manchester, M40 9PL
22 Tyndall Avenue, Manchester, M40 9PP
16 Tyndall Avenue, Manchester, M40 9PP
20 Tyndall Avenue, Manchester, M40 9PP
4 Wharfedale Avenue, Manchester, M40 9PJ
2 Wharfedale Avenue, Manchester, M40 9PJ
15 Tyndall Avenue, Manchester, M40 9PH
21 Tyndall Avenue, Manchester, M40 9PL
18 Tyndall Avenue, Manchester, M40 9PP
2 Whernside Avenue, Manchester, M40 9PW

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