

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138939/JO/2024

Date registered valid: 10 January 2024

Proposal: Variation of condition 2 (specified plans) attached to planning permission referenced 138308/FH/2023 to remove the set back on the front elevation

Address: 155 Rylance Street, Manchester, M11 3NA

Ward(s): Ancoats & Beswick Ward

Applicant: Mr & Mrs Rylance

Agent (if any): Mr Simon Casey, BlueChip Architecture Ltd

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 01 March 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Householder

Date of site visit: 20 October 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 11 January 2024 Expired: 1 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey semi-detached C3 dwellinghouse of redbrick with a red concrete tile dual pitch roof. The property features white uPVC windows, a front porch, a tarmac driveway, and front garden bordered by mid-level black iron railings, and a detached outbuilding situated within the rear garden.



Figure 1. Principal elevation.



Figure 2. Rear view.



Figure 3. Rear garden.



Figure 4. View along side of property and public alleyway.

Description of area

Rylance Street is a residential street situated within the Ancoats & Beswick ward of Manchester, close to Ashbury Meadow Primary School, the River Medlock, and North Ridge Recreation Area. The area is predominantly residential in terms of its character, consisting of terraced and semi-detached residential properties, and benefits from its proximity to public outdoor amenity and green spaces.

Description of development

Variation of condition 2 (specified plans) attached to planning permission referenced 138308/FH/2023 to remove the set back on the front elevation.

Planning history

138308/FH/2023 - Erection of a part-single / part-two storey side and rear extension to form additional living accommodation – **APPROVED** (04.12.2023).

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 - Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

The Inspectors’ Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors’ Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is ‘sound’.

You can view the Inspectors’ Report on the GMCA’s website at [Places For Everyone - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk/places-for-everyone). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors’ Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is 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.

Issues

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

Principle – the principle of allowing residents to extend and develop their homes to provide enlarged or improved living accommodation is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property or upon the visual and residential amenity of neighbouring occupiers.

In this instance however, the principle of the proposal is considered unacceptable as it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, policies DM1 and SP1 of the Core Strategy, and chapter 12 of the NPPF.

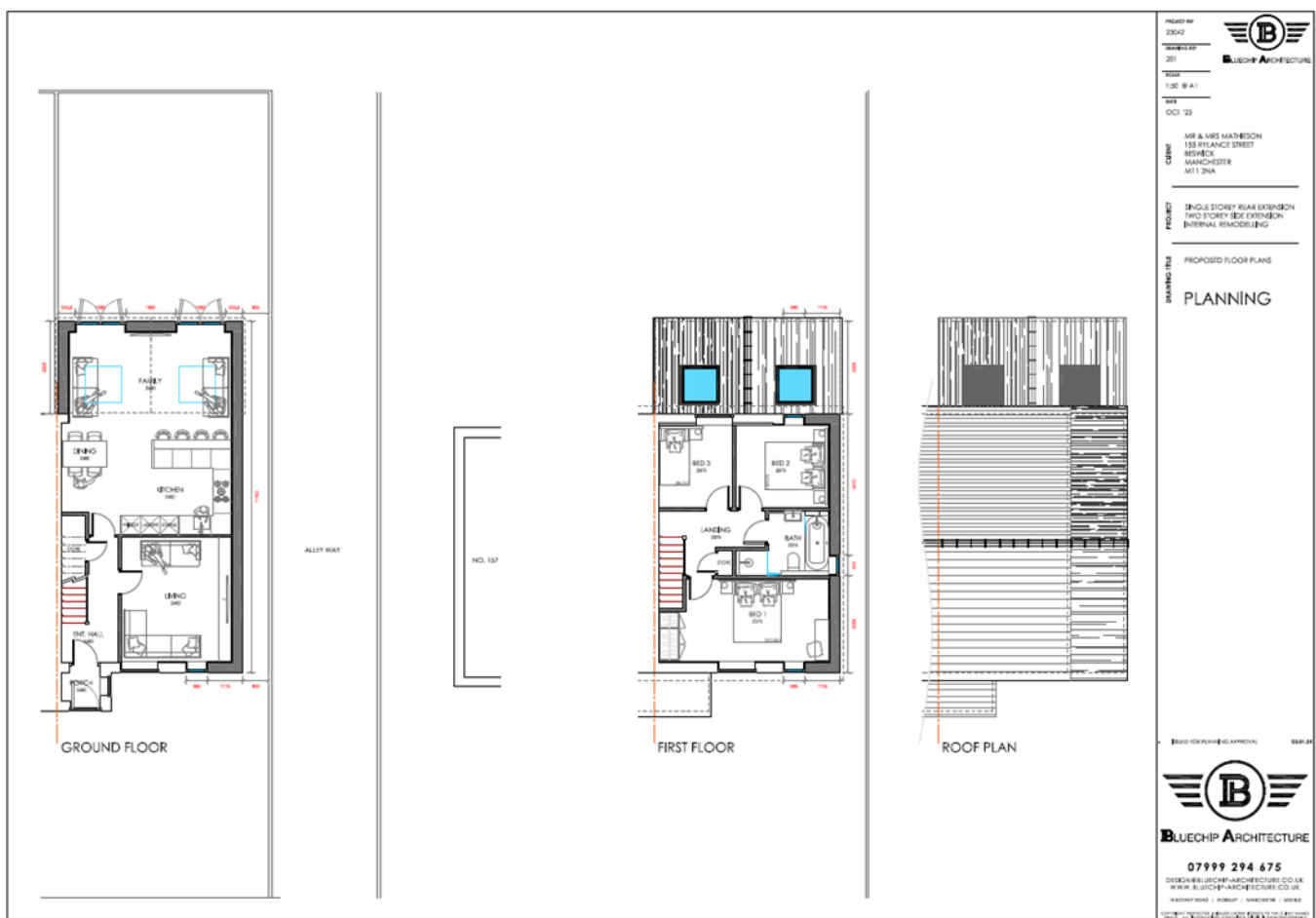


Figure 5. Submitted proposed plans.



Figure 6. Submitted proposed elevations.

Siting, scale, and massing – the part-single / part-two storey extension would be sited at the side and rear of the property, wrapping around its northern and western elevations.

At ground floor level, the extension would project 2.925m rearwards from the host dwellinghouse, with a length / depth of 11.1m, a sideward projection of 1.8m and a width of 5.84m. At the rear of the property, the extension would feature a dual pitch roof form measuring to 3.539m in height, with an eaves height of 2.25m. It would be sited along the boundary shared with No.153 Rylance Street, with the roof overhanging slightly into the neighbouring residential plot. A gap of 0.8m would be maintained to the public alleyway, sited to the north.

At first floor level, the extension would measure to 8.175m in length / depth (featuring no set back from the front of the property), with a sideward projection of 1.8m, dual pitch roof height of 7.57m (featuring no set down from the existing ridge), and eaves to match the existing (measuring to 4.874m).

Overall, the siting, scale, and massing of the proposal is considered to be unacceptable. This is on the basis that the extension's lack of a first floor set back, and reduced ridge height would mean that the proposal would fail to read as a subservient addition to the property and would instead imbalance the appearance of the adjoining semi as well as the entry to the public alleyway and would be out-of-keeping with the current relatively uniform appearance of the residential properties situated along this stretch of Rylance Street. With no other property featuring an extension of this type and scale, there is no existing precedent for part-single / part-two storey side and rear extensions which lack visual subservience to their host dwellinghouse in this area, therefore there is no justification for the visual harm this proposal would cause, hence it cannot be supported by the City Council.

The proposal is therefore considered to conflict with policy DC1 of the UDP, policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Appearance and visual amenity – the extension would be built of brickwork and concrete roof tiles to match the existing, in addition to white uPVC windows and doors.

At ground floor level, the extension would feature one window to the front (which would replace the existing, providing a blended appearance with the host dwellinghouse), and two sets of outward-opening doors to the rear. Its side elevations would be blank and featureless, whilst its dual pitch roof form to the rear would feature one flat skylight to each of its slopes. At first-floor level, the extension would feature one window to the front (which would replace the existing, providing a blended appearance with the host dwellinghouse), and one window to the rear (again providing a blended appearance with the host dwellinghouse). Its side elevation, facing No.157 Rylance Street, would feature one window. Its dual pitch roof form would be blank and featureless.

Despite its use of matching materials, the proposal is considered to be of inappropriate design and would cause unnecessary and undue harm to the visual amenity of the area. This is on the basis that the extension's lack of a first-floor setback and reduced ridge height, combined with the proposed first floor windows to the front and rear, would result in the proposal lacking visual subservience to the host dwellinghouse, ultimately imbalancing the appearance of the adjoining semi as well as the entry to the public alleyway sited to the north. As previously discussed, none of the residential properties along this stretch of Rylance Street feature developments of this design, as such, there is no justification for an existing precedent of extensions lacking visual subservience within this area. With this in mind, it is believed that the proposal would cause unnecessary and undue harm not only to the appearance and character of the host dwellinghouse, but also to the surrounding area in terms of its detrimental impact upon visual amenity.

The proposal is therefore considered to conflict with policy DC1 of the UDP, policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.



Figure 7. Extract from Google Maps, depicting uniform properties along Rylance Street.

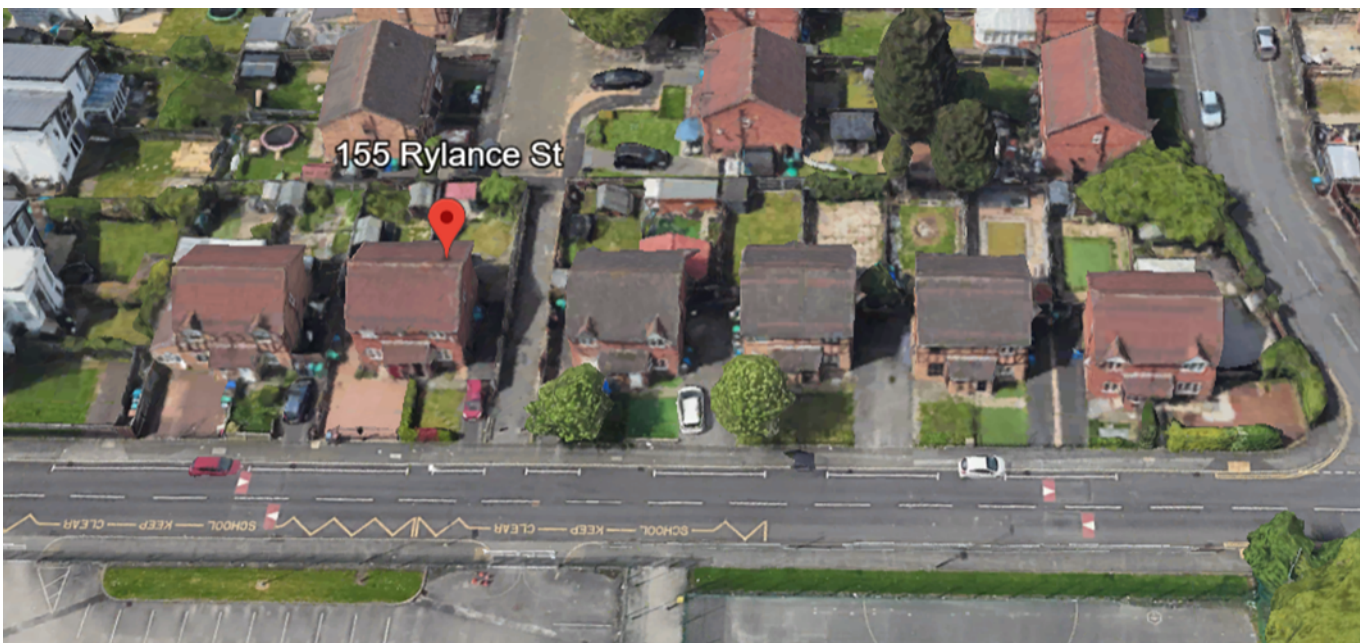


Figure 8. Extract from Google Earth, depicting uniform properties along Rylance Street.



Figure 9. Extract from Google Earth, depicting the appearance of the application property in relation to the adjoining semi and the public alleyway.

Residential amenity – overall, the proposal is not considered to give rise to issues associated with overshadowing, loss of light, loss of outlook, or loss of privacy. However, due to its detrimental impact upon the visual amenity of the area, the proposal cannot be approved.

Waste storage – the current waste storage arrangements would be unaffected by the proposal.

Parking – the current parking arrangements would be unaffected by the proposal.

Other matters – it should be noted that the incorrect ownership certificate has been completed for this application, with ownership certificate A being completed on the submitted application form. However, the proposed rear elevation, proposed first floor plan and proposed roof plan all depict a slight roof overhang into the neighbouring residential plot of No.153 Rylance Street. The submitted site location plan does not indicate that this property is owned by the applicant, therefore ownership certificate B should have been completed with the requisite notice served upon the relevant landowners.

Previous scheme – the applicant received permission for the erection of a part-single / part-two storey side and rear extension to form additional living accommodation under 138308/FH/2023 on the 4th December 2023 last year. This represented a very similar scheme to the proposed with the only differences being that the extension featured a 0.45m setback at first floor level from the front of the property, with a dual pitch roof height of 7.444m (set 0.256m below the ridge of the host dwellinghouse) and with the proposal sited entirely within the confines of the application site's curtilage, rather than projecting into the neighbouring residential plot. These differences represent alterations made to the original scheme in order to ensure its visual subservience to the host dwellinghouse.

The current variation of condition application seeks to revert these changes and is considered unacceptable due to the reasons specified above. The submitted application form states that eliminating the first-floor setback from the scheme would enable a better use of the space as the current approved plans do not allow for a double bed. However, it should be noted that the desired space would be achievable at first-floor level to the rear of the property, rather than the

front. This would afford the applicant more space, whilst simultaneously ensuring the development does not detrimentally affect the existing appearance and character of the property and its surrounding area. Moreover, whilst policy DC1 of the UDP states that the alteration and extension of residential properties may be required to accommodate changing household needs, it is considered that this proposal would cause unnecessary and undue harm to the visual amenity of the area and is therefore unacceptable.

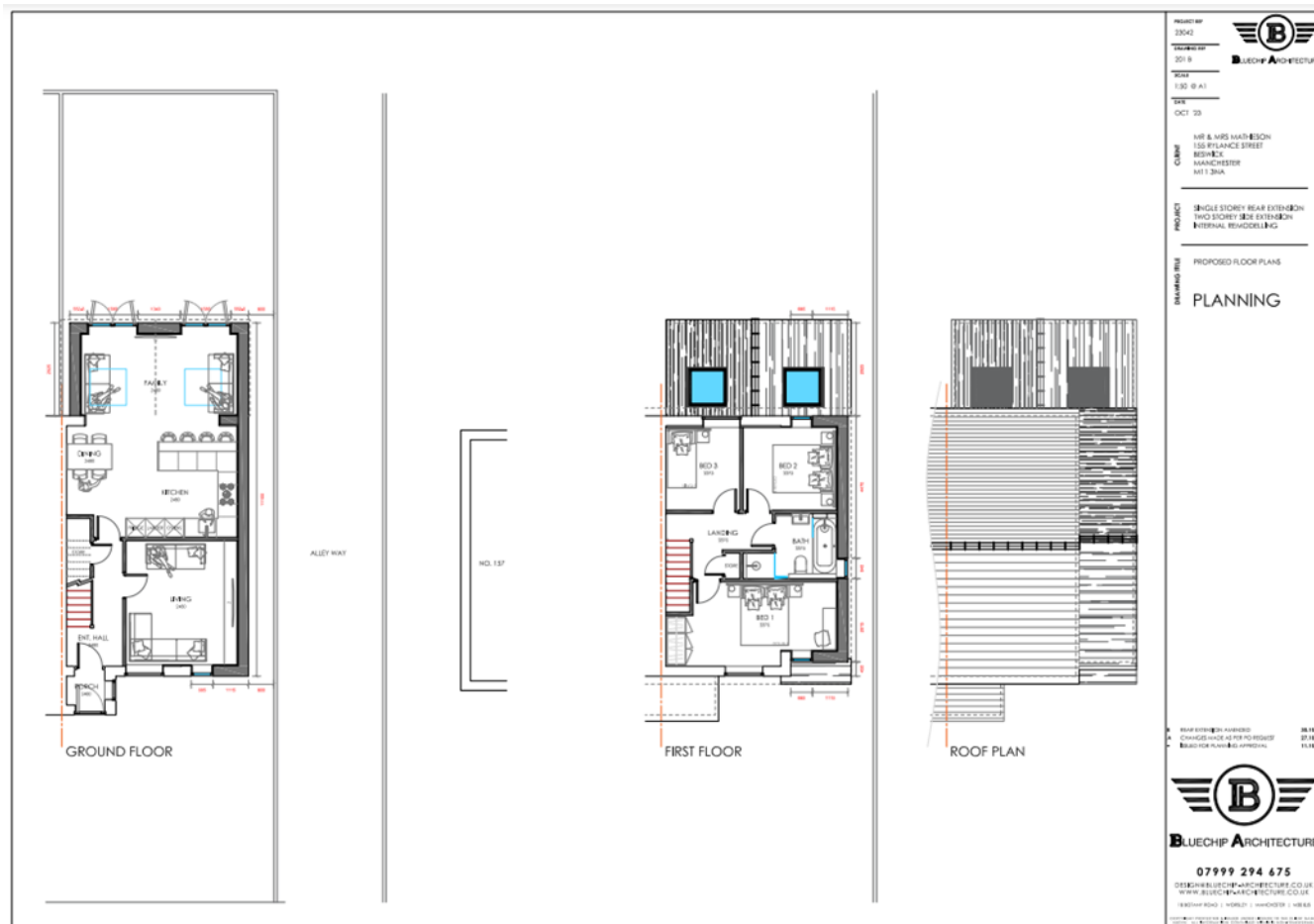


Figure 10. Approved plans under 138308/FH/2023.

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 would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

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

1) The proposal by reason of its lack of a first-floor setback and reduced ridge height and inappropriate elevational design choices would not be visually subservient to the host dwellinghouse, would introduce detrimental visual elements to the street scene, imbalancing the appearance of the adjoining semi and entry to the public alleyway, and would form a visually incongruous and obtrusive structure which would not be sympathetic to the appearance of the host dwellinghouse or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Ashbury Meadow Primary School, Community Centre, Ryland Street, Manchester, M11 3NR
Community Centre, Ryland Street, Manchester, M11 3NR
151 Ryland Street, Manchester, M11 3NA
157 Ryland Street, Manchester, M11 3NA
Ashbury Meadow Primary School, Ryland Street, Manchester, M11 3NA
153 Ryland Street, Manchester, M11 3NA
Ashbury Meadow Sure Start And Childrens Centre, Ryland Street, Manchester, M11 3NR
17 Rimmer Close, Manchester, M11 3AD
15 Rimmer Close, Manchester, M11 3AD
159 Ryland Street, Manchester, M11 3NA

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA
Area Team Boundary - Name: NORTH AREA