MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138897/FH/2023
Date registered valid:	2 January 2024
Proposal:	Erection of single storey outbuilding to create ancillary accommodation together with roof alterations involving rooflights to roof slopes.
Address:	Nutbank House, 1 Nutbank Lane, Manchester, M9 6BH
Ward(s):	Higher Blackley Ward
Applicant:	Mr Haseeb Anwar
Agent (if any):	Mr Barry Tang, Tang and Associates Ltd - Chartered Architects
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	**Refuse**
Date of recommendation:	**27th February 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:
Printed: 5 January 2024 Expired: 26 January 2024

Neighbour notifications
Printed: 5 January 2024 Expired: 26 January 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

The application property relates to late Georgian/early Victorian two-storey house and its associated rear garden area. The property's principal elevation faces south east towards an extensive front lawned area enclosed by boundary tree and hedge planting. Access to the property is gained via a gated narrow access road which serves a limited number of private residential properties generally set within their own grounds. Immediately adjacent to the application property to the west is a two storey residential property which was originally a converted outbuilding to the application property but has over time being subject to extensions and alterations to form a separate residential property.

Nutbank House is described in a previous historic appraisal of the property undertaken in 2009 as probably being constructed after the Manchester to Middleton turnpike road in 1804 and after the sale of the Yew Tree estates in 1809. The house was in existence in 1821 being listed in Pigot's trade directory, it was occupied by a series of industrialists until at least 1911 (noted as the last date of publicly accessible census returns when the appraisal was written).

Historic maps from 1844 and 1845 show a rectangular outline of the main part of the house, with a projection at the rear that no longer exists and an L shaped range extending towards the south-west. To the front of the house was a formal garden with the main drive curving round to the rear where there was access to the service accommodation. The 1891 OS survey map indicates the house as being not altered significantly. The 1922 OS map does show significant changes, projections to the rear of the building have been removed, a building to the west formally part of the L shaped range is now detached and the position of a glazed projection on the south-east side had changed. The house, given its age and general integrity of its historic proportions and footprint and appearance is considered to be a non-designated heritage asset.

The M60 motorway lies to the west of the application property.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought for the erection of a single storey outbuilding to form ancillary living accommodation which is indicated as being a gym, associated changing and showering facilities. The outbuilding would measure approximately 15 metres by 9.5 metres and a height of 2.3m to eaves and 3.9m to its maximum. The roof would sloped to a flat roof element to its maximum height with four rooflights. The front south-east facing elevation would be predominantly formed of glazed folding doors with four obscure glazed windows to the rear elevation together with a double door. Another access door is proposed to the north-east elevation. The submitted design and access statement indicates that the outbuilding would be finished in red facing brick, natural stone and window materials and colour to 'emulate' the existing materials. Around the outbuilding it is intended to lay paving some of which would be to the front of the principal elevation of the existing house to reflect the existing paving line to the front of the house which were installed as part of the 2010 Orangery application set out in the planning history section below.

In addition, it is proposed to make alterations to the roof profile of the existing house to enable additional accommodation to be provided in the roof void. The roof profile would be altered to provide a mansard type profile with a flat roof element centrally. Roof lights would be inserted into the mansard slopes all around the roof and additional lights would be installed on the flat roof element. The additional accommodation would form of 5 bedrooms, 4 ensuite bathrooms, dressing room, and open plan living, dining and kitchen area. Reference is made within the submitted Design and Access Statement that materials for the loft conversion would reflect the existing material palette.

Planning History

137817/LP/2023 - Erection of a single storey outbuilding– Not yet determined

134703/LP/2022 - Erection of single storey outbuilding – Refused 14.10.2022

136311/LP/2023 - Erection of a single storey outbuilding – Refused 18.04.2023

120806/JO/2018 - Removal of condition 4 (gas membrane) attached to planning permission referenced 093037/FH/2010. Approved 25 September 2018.

093037/FH/2010/N1 - Erection of rear extension to form orangery with associated external alterations following demolition of existing conservatory. Approved 23 July 2010.

087517/FO/2008/N1 - Formation of new vehicular access road to provide private access to Nutbank Cottage including diversion of public right of way. Approved 21 August 2009.

093037/FH/2010/N1 - Erection of rear extension to form orangery with associated external alterations following demolition of existing conservatory – Approved 22.07.2010

058590/FO/NORTH1/00 - Change of use of outbuilding to residential use with extensions and alterations – Approved 28.06.2000

058591/FH/NORTH1/00 - Construction of a conservatory, patio & pergola/verandah – Approved 12.04.2000

026084 - Construction of conservatory to front elevation of house. Approved 14 March 1986

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation has been received. No objection to the alterations to the main house, but a concern is raised in relation to a loss of privacy as a result of the outbuilding and windows positions.

Cadent – An 'informative' relating to infrastructure assets is requested.

Environmental Health – No objection.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027. 'The 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN 3 (Heritage) Sets out that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.

The following saved Unitary Development Plan policies are considered of relevance to this application:

Saved policy DC1 of the Unitary Development Plan;

DC1.1 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 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 street-scene;
e. the effect of the loss of any on-site carparking.

DC1.2 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 the original buildings);
b. they do not create an 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 street scene by virtue of design, use of materials or constructional 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.

National Planning Policy Framework (December 2023)

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The relevant sections and paragraphs of the NPPF in this instance are section 16 ‘Conserving and enhancing the historic environment’ and paragraphs 195, 200, 201, 203,205, and 209.

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). 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.

Relevant polices of PfE in this instance are:
Jp-P2 Heritage – Which promotes proactive management to positively conserve, sustain and enhance the historic environment and heritage assets and their settings.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise. The NPPF reinforces this requirement and states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to -ate development plan, permission should not normally be granted.

The general principle of homeowners extending and altering their homes is accepted and has been a longstanding principle of adopted local plan policies. However, in this instance the proposed alterations to the roof of the main house are considered to be harmful to visual amenity and would have a adverse impact on the appreciation and completeness of the non-designated heritage asset, whose significance derives in large part from its architectural interest.

Residential Amenity

It is not considered that the proposal would have a detrimental impact upon the neighbouring properties. The property is set within its own grounds, and the positioning of the other houses within the estate are all set well away from Nut Bank House, and at lower levels.

Concerns have been raised regarding proposed windows in the outbuilding and impacts on the privacy of the neighbouring property. The submitted drawings indicate that windows in the rear elevation of the outbuilding would be obscurely glazed which would be capable of being secured by way of condition. It is not considered that the rooflights would give rise to unacceptable impacts in terms of overlooking of the neighbouring property given the position in the roof, distance from the neighbouring property and viewing angles from these windows.

The provision of rooflights within the reprofiled mansard roof would not be considered to give rise to any significant increase in overlooking opportunities, it is noted that the existing rear elevation of the property already contains a number of bedroom windows and as such the provision of the rooflights and internal layout proposed would not greatly increase views towards number 3.

Visual Amenity

The application property was constructed in the early 19th century as a spacious and classically detailed villa at the edge of a growing industrial city. It is set in a verdant context, and has is a unique survival of a late Georgian/early Victorian villa in the area, of high architectural and historic interest. Due to its historic, architectural and social interest it is considered an important local non-designated heritage asset.

With no Heritage Statement submitted as part of the application and limited information in the submitted Design and Access Statement, failing to describe the significance of the non-designated heritage asset affected, the application fails to meet paragraph 200 of the NPPF.

The proposal would replace the existing original pitched slate roof with a new mansard roof. It would also remove an original end gable and associated detailing (inc. a distinctive carved weather-board) to the rear elevation, with a considerable change to the overall appearance and erosion of distinctiveness of this elevation in particular. This would fail to take advantage of the distinct historic and heritage features of the building under consideration, as set out in Policy EN3.

Through the removal of these core features and a key external aspects of the non-designated heritage asset, the development would also fail to support preserving the historic environment.

The proposed mansard roof is not considered to be consistent with the significance of the19th century heritage asset, failing to preserve or enhance its high architectural interest. The new roof would considerably erode the appreciation and completeness of the asset as an early 19th century villa, with considerable harm to its heritage significance, in particular consideration of its high architectural interest.

Whilst paragraph 124 of the NPPF does outline a presumption for mansard roof extensions, this is subject to the external appearance harmonising with the original building. In the context of the NDHA, the proposed mansard roof extension would have a negative impact on the appearance of the original building, not compatible with its interest and original construction. With consideration of the existing appearance and interest of the site, a mansard roof extension is thus not considered to be appropriate.

With limited information on the proposed materials and finishes, there are no safeguards that the proposed scheme would be sensitive and appropriate to the NDHA. It is noted that the application form notes that 'roof tiles' to match existing are proposed. As the existing roof is natural slate, the development fails to show that these works would match the quality and appearance of the existing dwelling. The limited information provided in the application form, with no additional information on materials and finishes presented in the D&A Statement, fails to show that sufficient weight has been given to the protection of the asset and evidence that the development would be sympathetic to Nutbank House and function well in its context. There are substantive additional concerns regarding the final appearance and character of proposed development.

The expansive grounds have some capacity to accommodate new development of appropriate scale and design, and should additional space be required, this should be accommodated to curtilage – in order to avoid excessive harm to the significance of the non-designated heritage asset and meet the objectives of Policy EN3. In that sense, the proposed outbuilding is considered to be acceptable in its own right – contingent on appropriate finishes and material to fit within its context. Verdant character of the site should be preserved, with paving limited to the minimum required.

It is not considered that the perceived harm to the NDHA would be justified or otherwise outweighed by the wider benefits of the development.

Other Matters

The application property is not a listed building and is not located in a conservation area. Alterations could therefore be undertaken utilising permitted development rights, works to the roof including roof extensions would generally be limited to the rear roof element, with the

principal front elevation generally requiring applications if alterations were proposed. As such whilst there are fallback opportunities for alterations to the roof, the cumulative alterations proposed in the current application are considered to be harmful to the non-designated heritage asset and cannot be supported in this instance.

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

Officers have worked with the applicant in a positive and proactive manner. In this instance the proposals are not considered to be acceptable and the applicants agent was informed of this prior to the determination of the application.

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

1) The proposed alterations to the roof by reason of the replacement with a mansard roof with flat roof element and removal of the pitched slate roof, original end gable and associated detailing to the rear elevation, would give rise to unacceptable impacts to the character and appearance of the property, eroding the distinctiveness of the dwellinghouse and would fail to preserve or enhance the non-designated heritage asset contrary to saved Unitary Development Plan policy DC1, Core Strategy Policies SP1, EN3 and DM1 together with section 16 of the National Planning Policy Framework paragraphs 195, 200, 201, 203,205, and 209.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

4 Nutbank Lane, Manchester, M9 6BH
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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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA