# Statement of Case

**38 Wyverne Road, Manchester, M21 0ZN**



Planning Appeal on behalf of Mr Thorne and Ms Bowman

March 2023

Prepared by Jane Leach, iarchitect Limited

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# 1. Introduction

1.1 This is the appellant's Statement of Case prepared by chartered architect Jane Leach on behalf of the applicants for the proposed house extension to 38 Wyverne Road, Manchester, M21 0ZN application reference: 138647/FH/2023.

1.2 This Statement of Case is against the refusal of Manchester City Council (MCC) in their position as Local Planning Authority (the LPA) to grant householder planning permission.

1.3 The Appellant submitted the planning application which was validated by the LPA on the 27th November 2023, with a target decision date of 22 January 2024. The Decision Notice (DN) was issued by the LPA on the 29th December 2023. The determination period by LPA covered just four weeks.

1.4 The Reason for refusal by the LPA focused on two matters expressed in full in the planning officers report and DN (Appendix 1). The DN outlined the following reasons for refusal:

> 1. The two-storey side extension, in line with the main elevation, would sit 800mm from the boundary which would create a terracing effect unsympathetic to the street scene and create an unsatisfactory visual relationship between elements of no.38 and No.36. This is counter to DM1, SP1 and EN1 of the core strategy, saved policy DC1 of the extant UDP and Section 12 of the NPPF.
>
> 2.The two-storey side extension gable wall close to the lower hipped roofline of No.36 would create an overbearing effect from No.38 to No.36. This would have a negative impact to the visual relationship of the buildings and street scene, and the residential amenity of No. 36 and is contrary to DM1 of the Core Strategy and saved UDP policy DC1.

1.5 It is presented to the Inspector that it is only the design of the two-storey extension that is in question and for debate. Conversely, therefore it is common ground between the Appellant and the LPA that the remainder of the proposed development is acceptable.

1.6 This Statement of Case will review the reasons for refusal, set out additional material considerations that were not taken into account, and set out the appellant's case for why this appeal should be allowed.

1.7 Prior to the issue of the DN, the Appellant sought to engage with the LPA as to whether changes could be made to the proposed development that could resolve the LPA's concerns, and to clarify material considerations which had not been recognised. Appendix 2 includes correspondence between the LPA and the Appellant that relate to design. Since the LPA decided to issue the DN within 4 weeks of submission, as opposed to the 8-week target timescale for determination, there was limited time to prepare and present sketches that justified design amendments or suggestions from the appellant. This Statement of Case will explain further the reasons why the LPAs suggestions could not be accommodated whilst at the same time, retaining a usable space and high-quality extension.

1.8 The Appellant has acted and responded reasonably, during the very limited determination

period allowed by the LPA. Since the LPA rushed determination and restricted time available for presentation and negotiation of an acceptable alternative design solution, it is considered that a resubmission to the LPA would not result in an alternative decision, therefore the Appellant must resort to the submission of this appeal.

1.9 Given the limited grounds for refusal, evidence can sufficiently be dealt with through a Written Representation Planning Appeal.

**The Existing Property**

1.10 The existing property is a 1930's three-bedroom semi-detached house with front and rear garden. The characteristics of this neighbourhood, considered by some to be iconic in Manchester, is of semi-detached houses of simple form with an alternating pattern of hipped roof with gable, and render with brick frontage. The appellants have lived in this property for 10 years during which time their family has grown to include 2 children and 2 adults. The main drivers for this extension are to create adequate work from home space, since following Covid-19both adults now work from home some or all of the time, as well as study space for both children as they grow and progress their education. They require the property to meet their long term family needs, so they are able to remain occupants rather than outgrow their home, as well as to improve its energy efficiency and enable a low carbon lifestyle.

**The Appeal Proposals**

1.11 The appeal proposals seek to meet the Appellants needs by adding dedicated home workspace along with additional space for flexible home working to meet employment needs, enlarged bedroom to include study space to meet children's education needs, cloakroom, downstairs toilet and utility room to meet long-term accessibility as well as energy efficiency and low carbon lifestyle needs.

**Supporting Documents**

1.12 The appeal is supported by various appendices that are relevant to the Appellants case.

1.13 The drawings and documents that were submitted as part of the planning application are submitted with the appeal (Appendix 3).

# 2. The Appellant's Case

**Overview**

2.1 The application is promoted in line with the ethos of the Development Plan Policies, in line with the aspirations of the National Planning Policy Framework (NPPF), based on additional material considerations.

2.2 The proposal directly responds to not only the Appellant's aspirations and needs for their home but also the radically changed living and working environments that society must embrace since Covid-19. This is a critical material consideration that is wholly relevant to the case.

2.3 The proposal responds through careful design, and diligently crafted detail to the extension of the property. It is complementary to the street scene, befitting of the local area and wholly supported by third parties, also invested in the area.

2.4 The proposals wholly constitute sustainable development in the context of the three dimensions of economic, social and environmental as advocated by the NPPF (para 8).

**Reasons for Refusal**

2.5 There are two reasons for refusal[1] that centre on two core points, these headline points are summarised below.

- Terracing effect counter to CS policies DM1, SP1 and EN1, UDP Policy DC1 and NPPF section 12; and

- Overbearing effect on no. 36 and negative relationship with the street scene contrary to CS DM1 AND UDP policy DC1.

2.6 The LPA set out reasons for refusal that reference specific development policies and the NPPF. However it is presented that the proposed design supports both the overriding aims and objectives that form the basis of policy and indeed the 'direction of travel' that is contained both in national and the referenced local policy, as well as supporting the detail of these policies. These aims, objectives and policies will be reviewed in relation to this refusal and the proposal.

**Terracing Effect, unsympathetic to the street scene**

2.7 Policy DC1 (Appendix 4) is clear that the minimum distance of 1.52m between a side wall and common boundary should be taken as a guide and not a firm rule. Weight is given to two features:

- The ability of the gap between semi-detached houses to be shared equally. This is possible in the proposal.

- Ensuring that very narrow gaps are prevented. The 800mm gap between the side wall and boundary fence allowed here is sufficient for the movement of bins and bicycles

[1] The reasons for refusal are set out in paragraph 1.4 and provided in full in Appendix 1

between the rear and front of the garden, therefore cannot be considered ‘very narrow’.

2.8 The LPA has previously approved extensions with a considerably narrower gap, or no gap between properties with a 1st floor set-back (Appendix 5) demonstrating flexibility in previous assessments. While in this case a proposal that does not create a terrace, adheres to the criteria given highest weighting in Policy DC1, and will not look like a terrace from any perspective, has been judged by the LPA to create a terracing effect.

2.9 It is important to note that space is experienced through movement. A set-back at first floor level may reduce the visual impact of a terrace when viewed from some oblique perspectives, however the view changes as the street is traversed. An articulated terrace is still a terrace, and is an unsympathetic change from the original state of a semi-detached property (Appendix 5).

2.10 This proposal prevents a terracing effect by maintaining a clearly distinguishable gap between the side wall and the common boundary. Thus providing a physical distinction between these properties and ensuring that from no perspective will there be a perceived terrace. The textured brick pattern to the frontage of the proposed extension not only enhances the local vernacular[2], it also creates a “Bookend Effect” which aids differentiation between this property and No.36 and acts as a visual full stop.

2.11 This proposal allows for the neighbouring property to be extended in the future with no risk of terracing, since not only is an adequate gap maintained but the council also retains control to manage any impact of potential extensions of No. 36.

2.12 The character and context of this neighbourhood is embedded in the design in line with the requirements of the relevant Policies[3]. The production of an attractive design sensitive to its context was a requirement of the client's design brief, and the intention of the design team. The distinct character of this area was identified, as described in the Design and Access Statement, and the design solutions created are not only sensitive to the character of the area, they are designed to both enhance and protect it. This proposal is in keeping with and contributes to a unified urban form, blending in with the character of the area and reinforcing community identity. In contrast, the LPA failed to assess or identify the character of the area, a description of which is entirely lacking in local policy documents, and failed to consider this proposed design in its context as is required by the NPPF Section 12 (Appendix 6).

2.13 The design of this proposal is inspired by, and relates to, the character and design of the original housing. In so doing it enhances, retains and contributes to the positive identity and sense of place of the neighbourhood. The scale, position and external appearance of this extension respects the setting and its relationship to the original building and those adjacent. It enhances the streetscene and does not alter or detract from the roofline or skyline, but maintains a consistent building height. It recognises the common building line and creates continuity with the frontage, creating a smooth transition between old and new. The subtle change in texture to the extension frontage, using similar bricks to the original, creates visual emphasis that enhances the streetscene.

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[2] The proposed brickwork detailing is inspired by a local landmark - the Gaumont Building, and is designed to match the coursing of existing “Corner Stone” brick detailing.

[3] The proposal has been developed with due regard to siting, layout, scale, form, massing, materials and detail, and its impact in terms of design, scale and appearance in order to protect and enhance the character of the area (as required by Policies DM1, SP1, EN1 and NPPF Section 12).

**Overbearing Effect, visual relationship between the buildings and amenity**

2.14 The current visual relationship with No.36 is of a gable ended roof adjacent to a hipped roof, each building having an otherwise identical and simple form, following the characteristic pattern of this neighbourhood. The proposed extension is relatively small, narrowing the gap only a moderate amount. This does not constitute a dramatic change and will not tip the balance into being an unsympathetic or overbearing relationship.

2.15 In general terms this proposal complies with the aspirations set out in DC1 as follows: it is designed with regard to the character of the area and the property; it does not negatively impact on the amenity of immediate neighbours; it enables the residents to alter their home to meet changing household needs; it has little visual impact on the streetscene; it does not alter car parking; it is not excessively large or bulky; it does not create any undue loss of sunlight, light or privacy for neighbours; it is designed within the character of the area in form, materials and details; it does not have a flat roof; it extends to the rear less than is allowed by permitted development; the gap left to the side of the house would be capable of being shared with the adjacent neighbour; and no terracing effect is created.

2.16 There is no proposed change between the existing relationship between the properties from an overlooking perspective and the width of the side extension will have a minimal effect on overshadowing, meaning no loss of enjoyment or amenity represented by this proposal. Immediate neighbours wrote in response to the consultation that they are satisfied there will be no negative impact in relation to loss of privacy, light or other nuisance that would negatively affect amenity. At the time of the consultation No. 36 was vacant, however, since there are no habitable rooms that let onto the side of this property, there is no possible nuisance or negative effect on light or privacy (Appendix 7).

**Material Considerations**

2.17 The following material considerations are also relevant to this appeal. The LPA failed to take these into account when determining the application.

*Sustainable Construction*

2.18 The LPA , as required by Policy DM1 and specifically para 163 of NPPF, has failed to recognise the potential impact on greenhouse gas emissions[4]. A thermal imaging survey conducted during design development identified that the north facing elevation was particularly poorly performing; encasing it with new construction will positively address this (Appendix 8).

2.19 Although not practicable to retrofit this property to meet the full Passivhaus standard[5], the fundamental principles have been applied to the proposed extension design.

2.20 The articulation necessitated by a 1.5m setback at first floor (as requested by the LPA) adds complexity to the envelope through an increased number and complexity of junctions and creates an unfavourable internal volume to external surface area ratio. This, particularly when

[4] Policy DM1 and paragraph 163 of NPPF incorporates a requirement to *"recognise that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions"* and *"give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings"*

[5] Passivhaus is considered to be the gold standard of sustainable construction since there is the smallest performance gap between design and completed building.

applied to a north-facing wall, is counter to the principles of Passivhaus and limits the potential to improve the thermal efficiency of the building. (Appendix 8)

*Adequacy of Internal Accommodation*

2.21 Allowing the extension of this property as proposed creates more choice locally in adherence to the Core Strategy Clause 2.72[6]. Additionally it aligns with Policy H6[7] by increasing housing choice. Updating this property from an interwartime standard to a family home meeting contemporary needs, creates adaptability and flexibility for the future.

2.22 Higher income earners are now more likely to work from home[8]. This increased demand for home working is supported by the new Flexible Working Act 2023[9]. To ensure adequate housing choice that meets these needs it is necessary for extensions to create more flexible space. Whilst Policy H6 is predominantly about new housing provision , the principle still applies to the adaptation and alteration of existing housing..

2.23 The LPA has failed to take into account that high quality and diverse housing, as required by the overall Core Strategy[10], means the provision of housing that has adequate internal space, provides choice and supports sustainable and stable communities through long term living. This is clarified in the Guide to development in Manchester supplementary planning guidance, specifically in clause 10 which supports improving internal space standards and puts forward that small rooms are unfavourable since they reduce the overall value of housing stock, limit long-term flexibility and conflict with policies on sustainability and accessibility.

2.24 The small front bedroom has an area of 5.5 square metres, this is significantly smaller than the National Housing Standards minimum described standard (7.5 square metres) for a single bedroom that is solely for the purpose of sleeping. This room is not only considered inadequate as a single bedroom, it is also impossible to use flexibly for the additional purposes of study or work[11]. Increasing the size of this room to accommodate not only sleeping but also study necessitates extending to the side without a first floor set back (Appendix 9).

*Community Consultation and Decision Making*

2.25 There is significant support from neighbours and residents to the proposal, with letters of support and petition in support sent to the LPA during the public consultation period. This

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[6] Core Strategy Clause 2.72 describes a key challenge to maintain the character and popularity of the neighbourhoods in the Southern Manchester area, which identifies a limited housing choice.
[7] Policy H6, specifically in relation to South Manchester, where this property is located, includes the requirement for increasing housing choice in order to attract high income earners.
[8] In the North-West: home working has more than doubled in recent years, from 12% in October to December 2019 to 26.7% in January to March 2022. Date source: Office of National Statistics https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/homeworkingintheukregionalpatterns/2019to2022 Data accessed 12th Feb 2024
[9] The Flexible Working Act 2023 gives workers the right to request flexible working from day one of new employment, and therefore increases the potential for people to work from home.
[10] The overall Core Strategy objective for housing is to focus on high quality housing, in high quality environments, that address demographic needs.
[11] The number of families in England and Wales with adult children living with their parents rose 13.6% between the 2011 Census and Census 2021 to nearly 3.8 million. Source: Office of National Statistics https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/moreadultslivingwiththeirparents/2023-05-10 Date accessed 12th Feb 2024

evidences the acceptability of the proposed development by those neighbours. Material to the consideration of this appeal is the recently enacted Levelling Up and Regenerations Act (LURA) 2023 part 3 planning, chapter 4 Grant and Implementations 106 street votes[12] (Appendix 11). Whilst not in place yet (Appendix 12) it is presented that this legislative line of direction by the Government is a significant material consideration and a valid 'fall-back' position. Given the wealth of support for the proposal it is presented that the LPA's holistic disregard of local support for the proposal is a serious misgiving in the determination procedure by the LPA.

2.26 The LPA claims to have adhered to the NPPF with regard to its requirement to approach decisions in a positive and creative way, however as is evidenced by the correspondence (Appendix 2) and swift determination of the application, communication was undertaken with a closed mindset. Correspondence opened with the demand that designs be changed or they would be refused, leaving very little room for negotiation.

2.27 In contrast, the design was developed closely in consultation with neighbours, incorporating their views and concerns and adapting designs accordingly. This was reflected in the significant level of support received by the LPA during the consultation period, and local engagement was specifically acknowledged in the letters of support received by the LPA during the public consultation period..

2.28 The LPA decided to refuse the proposal prior to completion of the community consultation process, which is indicative of the disregard of the local community and their views about what makes high quality, beautiful, sustainable design.

*Planning History*

2.29 The Officers Report erroneously stated there was no planning history for the property. Planning permission was granted in 2017 however was not built due to the failure of this design to deliver adequate internal accommodation or a more energy efficient home whilst also having a larger environmental and cost impact through construction. Additionally, this design would have created an overshadowing effect on the neighbours to each side, particularly No. 36 to the north of the property.

[12] This identifies the weight Government is now giving through statute to the importance of other residents' opinion on a street to decide whether they are agreeable to a proposed development or not. This dictates in Statue the forthcoming ability for local residents to formulate a qualifying Street Vote Development Order. In turn the Government has also now published a consultation on the delivery of the mechanism, bringing this street votes concept to reality in the not too distant future.

# 3. Conclusion

3.1 The appeal is promoted in line with the aspirations of the Development Plan, there is significant weight in favour of the appeal and there are no material adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission. Suggested draft planning conditions are presented in Appendix 13.

3.2 The appellant considers the LPA's decision-making approach is deficient when considering the planning balance and, its merits; and that the LPA completely overlooked several significant material considerations, including architectural merits, of the proposed design compared with the LPA's approach to a set back request, the planning history at the site and the overwhelming support from local residents.

3.3 Without the right house types in a local area that meet the needs of residents and respond to changes, further pressure will be placed on house prices, people will be forced to move away from the area and new investment and growth could be stifled.

3.4 Having identified the appeal proposals are in accordance with the aspirations of the Development Plan, the NPPF, and relevant material considerations, the appellant requests the appeal is allowed.

# Appendix 1: Manchester City Council Decision Notice Ref: 13864/FH/2023

MANCHESTER CITY COUNCIL

**Town & Country Planning Act 1990 (as amended)**

**Refusal of Planning Permission**

| **Applicant** | **Agent (if used)** |
|---|---|
| Mr & Ms Thorne - Bowman<br>38 Wyverne Road<br>Manchester<br>M21 0ZN | Ms Jane Leach<br>iarchitect Limited<br>18 Vaughan Road<br>Chorlton-cum-Hardy<br>Manchester<br>M21 0YL |

**Part 1 – Particulars of the application/development**

**Proposal**: Erection of a two storey side extension and single storey rear extension to provide additional living accommodation.

**Location**: 38 Wyverne Road, Manchester, M21 0ZN

**Date of application**: 27 November 2023

**Application number**: 138647/FH/2023

**Part 2 – Particulars of decision**

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

**Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive way to find solutions for planning problems. Issues arose while reviewing the application. Officers talked with the applicant and others involved to find a solution they could all agreed on, however, a solution was unable to be found.

**Reason(s) for decision**

1) The two storey side extension, in line with the main elevation, would sit 800m from the boundary which would create a terracing effect unsympathetic to the street scene and create an unsatisfactory visual relationship between elements of No. 38 and No. 36. This is counter to DM 1, SP 1 and EN 1 of the Core Strategy, saved policy DC1 of the Extant UDP and Section 12 of the NPPF.

2) The two storey side extension gable wall close to the lower hipped roofline of No. 36 would create an overbearing effect from No.38 to No.36. This would have a negative impact to the visual relationship of the buildings and street scene, and the residential

amenity of No. 36 and is contrary to DM1 of the Core Strategy and saved UDP policy DC1.

Date: 29 December 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

# Appendix 2: Relevant Correspondence between the Appellant and the LPA

Below are emails exchanged between the architect Jane Leach and the local planning advisor Joshua Lee.
Relevant to the reading of these emails are the following dates:
Application: 27th November 2023
Consultation end date: 22nd December 2023

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On Fri, Dec 1, 2023 at 10:33 AM Joshua Lee <Joshua.Lee@manchester.gov.uk> wrote:

Hello,

Hope you are well,

I am the planning officer assigned to the above case.

I am completing my initial review of the proposal and I'm concerned on the effect of terracing caused by the two-storey side being in line with the front elevation.

I understand there is a gap to the shared boundary however I don't think the distance is enough to negate the effect of terracing.

I would advise to look to the property opposite (No.41) which have an appropriate set back to their side extension with a gap to the boundary.

Can you review with your client and get back to me.

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer

Area Team

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**From:** Jane Leach <jane.leach@i-architect.co.uk>
**Sent:** Friday, December 1, 2023 11:44 AM
**To:** Joshua Lee <Joshua.Lee@manchester.gov.uk>
**Subject:** Re: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect

Hi Josh,

Thanks for your email.

I appreciate your concern. I have addressed this in a lot of detail in the Design and Access statement. Please could you review that and let me know if you still have concerns?

Thank you,

Jane

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From: **Joshua Lee** <Joshua.Lee@manchester.gov.uk>
Date: Fri, Dec 1, 2023 at 11:48 AM
Subject: RE: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect
To: Jane Leach <jane.leach@i-architect.co.uk>

Hello,

I have assessed all the documents, and my concerns stand.

The gap to the shared boundary is not large enough to alleviate the terracing concerns and a step back at first floor level of 2m is required.

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer

Area Team

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**From:** Jane Leach <jane.leach@i-architect.co.uk>
**Sent:** Monday, December 4, 2023 1:18 PM
**To:** Joshua Lee <Joshua.Lee@manchester.gov.uk>
**Subject:** Re: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect

Hi Joshua,

Thank you, sadly it isn't clear what the position is because the legislation is not clear. It is only clear that it is open to interpretation. A "terracing effect" is a judgement call rather than a scientifically assessed fact given that there is no definition of what it means.

We can explore a compromise position, but we need to know what that could potentially look like. Attached are some example photos of a local extension of a similar size that is set back by about a brick. This must have been acceptable from a planning perspective - would this be an acceptable fall back position?

Best regards,

Jane

---

On Mon, Dec 4, 2023 at 1:31 PM Joshua Lee <Joshua.Lee@manchester.gov.uk> wrote:

Hello,

The set back at first floor needs to be 2m if the ground floor is level.

If there is a set back on the whole elevation it needs to be a 1m minimum.

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer

Area Team

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From: Jane Leach <jane.leach@i-architect.co.uk>
Sent: Tuesday, December 5, 2023 2:44 PM
To: Joshua Lee <Joshua.Lee@manchester.gov.uk>
Subject: Re: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect

Hi Joshua,

This example extension close by is about 1800mm wide, and it leaves a much narrower gap than is proposed at 38 Wyverne. This is flush at ground floor stepping back by only two bricks - about 440mm at first floor. This has clearly been given approval and is far wider than our proposal, while clearly not being considered to be creating a terracing effect.

Given that the proposal for 38 Wyverne Road is half a meter narrower and leaves a larger gap, it clearly will have even less of a chance to create a terracing effect than this built example. Having a design that doesn't step back from the building line is much more sympathetic to the original form and character of the streetscene and original buildings.

Are you familiar with this example which is wider and has a less than half a meter step back at first floor? Does this go any way towards convincing you that our proposal will not create a terracing effect?

Best regards,
Jane

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On Tue, Dec 5, 2023 at 2:58 PM Joshua Lee <Joshua.Lee@manchester.gov.uk> wrote:

Hello,

At the current boundary distance a setback of 1.5m would be the minimum.

If you would like to provide updated plans for me to review, I can do so.

If not, we can proceed to refusal, and you can appeal.

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer
Area Team

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**From:** Jane Leach <jane.leach@i-architect.co.uk>
**Sent:** Friday, December 8, 2023 10:11 AM
**To:** Joshua Lee <Joshua.Lee@manchester.gov.uk>
**Subject:** Re: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect

Hi Joshua,

This is a quick email just to clarify the current position. I'd be grateful if you could confirm if this understanding is correct or not.

At the moment what we understand you are saying is that only the following would be permitted:
a. 1m full height step back from the front elevation
b. 1.5m step back from the front elevation at first floor with ground floor flush

At the same time the example I sent previously of the approved side extension at 47 Chatburn Road is considered to be acceptable and not to constitute a terracing effect. This example is a practically identical house and relationship with its neighbours in the same area - just three streets away, with a wider side extension than we are proposing of 1800mm, which is flush at ground floor and set back by only 2 bricks = 440mm at first floor level. This was given approval since the current guidelines came into effect and was not considered to cause a terracing effect.

While this proposal for 38 Wyverne Road, which is 500mm narrower than the approved side extension at 47 Chatburn Road, so will constitute even less of a terracing effect even without any set back from the front elevation, is currently considered to be unacceptable.

Do we understand your position correctly?

Best regards,

Jane

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On Fri, Dec 8, 2023 at 10:25 AM Joshua Lee <Joshua.Lee@manchester.gov.uk> wrote:

Hello,

Your understanding is correct.

Please let me know how you wish to continue,

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer

Area Team

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Joshua,

After consultation with my clients we have decided that the proposal submitted is the preferred design.

My clients are willing to make a reasonable compromise to the energy efficiency and quality of design of their home in order to get planning approval, so we are open to negotiation to some extent. Reasonable alternatives would need to pose no increased risks to health, minimal effects on diminished energy efficiency, and an ability to create useable spaces in their home.

The current demand for a 1.5m set back at first floor, or a 1m set back full height, is far from acceptable since it would make:
1. the internal space unusable for its purpose
2. add to the erosion of the neighbourhood character that other local house extensions are creating
3. make no difference to the prevention of a terracing effect than the existing proposal would have, as evidenced by other local approved extensions to practically identical houses that have a much smaller step back and a greater width
4. significantly reduce the designed energy efficiency of the property as a whole - leading to:
* risks of condensation, mould growth, poor health and wellbeing
* a higher carbon footprint than necessary to maintain a comfortable indoor temperature

If you are adamant that the previously confirmed options are the only ones available at this point, then please proceed to public consultation with the current proposals as submitted.

Best regards,

Jane

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From: **Joshua Lee** <Joshua.Lee@manchester.gov.uk>
Date: Fri, Dec 8, 2023 at 11:35 AM
Subject: RE: 138647/FH/2023 - 38 Wyverne Road - Concern on terracing effect
To: Jane Leach <jane.leach@i-architect.co.uk>

Hello,

Thanks for the confirmation – we shall proceed to refusal.

Thanks

Josh

**Joshua Lee** (he/him)

Assistant Planning Officer

Area Team

# Appendix 3: Documents subject to the appeal

Description of Development:
Erection of a two-storey side extension and single storey rear extension to provide additional living accommodation.

Documents:

- Application Form
- Design and Access Statement/ Image document
- Location Plan/ Edge Red
- Existing Floor Plans
- Existing Elevations
- Proposed Floor Plans
- Proposed Elevations

A3.1 Application Form

MANCHESTER CITY COUNCIL

Planning
Telephone: +44 (0)161 234 4516
planning@manchester.gov.uk
PO Box 532 Town Hall
Manchester M60 2LA

# Householder Application for Planning Permission for works or extension to a dwelling

## Town and Country Planning Act 1990 (as amended)

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 38

Suffix:

Property Name:

Address Line 1: Wyverne Road

Address Line 2:

Address Line 3: Manchester

Town/city: Manchester

Postcode: M21 0ZN

### Description of site location must be completed if postcode is not known:

Easting (x): 382684

Northing (y): 393777

Description:

## Applicant Details

### Name/Company

Title

Mr & Ms

First name

Surname

Thorne - Bowman

Company Name

### Address

Address line 1

38 Wyverne Road

Address line 2

Address line 3

Town/City

Manchester

County

Manchester

Country

Postcode

M21 0ZN

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

### Contact Details

Primary number

Secondary number

Fax number

Email address

## Agent Details

### Name/Company

Title

Ms

First name

Jane

Surname

Leach

Company Name

larchitect Limited

### Address

Address line 1

18 Vaughan Road

Address line 2

Choriton-cum-Hardy

Address line 3

Town/City

Manchester

County

Country

United Kingdom

Postcode

M21 0YL

## Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

## Description of Proposed Works

Please describe the proposed works

Demolition of existing single storey rear extension. New two-storey side extension and single storey rear extension.

Has the work already been started without consent?

- ○ Yes
- ◉ No

## Materials

Does the proposed development require any materials to be used externally?

- ◉ Yes
- ○ No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

**Type:**
Walls

**Existing materials and finishes:**
red brick and white render

**Proposed materials and finishes:**
red brick

**Type:**
Roof

**Existing materials and finishes:**
terracotta pantiles

**Proposed materials and finishes:**
terracotta pantiles

**Type:**
Windows

**Existing materials and finishes:**
white UPVC

**Proposed materials and finishes:**
White UPVC

Are you supplying additional information on submitted plans, drawings or a design and access statement?

- [x] Yes
- [ ] No

If Yes, please state references for the plans, drawings and/or design and access statement

01 Existing Site Plan, 02 Proposed Site Plan, 06.1 Existing Ground Floor Plan, 06.2 Existing First Floor Plan, 06.3 Proposed Ground Floor Plan, 06.4 Proposed First Floor Plan, 06.5 Existing Elevations, 06.6 Proposed Elevations, 06.8 Proposed Section, Design And Access Statement Photographic Appendix, Design and Access Statement

## Trees and Hedges

Are there any trees or hedges on the property or on adjoining properties which are within falling distance of the proposed development?

- [ ] Yes
- [x] No

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

- [ ] Yes
- [x] No

## Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

- [ ] Yes
- [x] No

Is a new or altered pedestrian access proposed to or from the public highway?

○ Yes
◉ No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

○ Yes
◉ No

## Parking

Will the proposed works affect existing car parking arrangements?

○ Yes
◉ No

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

◉ Yes
○ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

○ The agent
◉ The applicant
○ Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

○ Yes
◉ No

## Authority Employee/Member

**With respect to the Authority, is the applicant and/or agent one of the following:**
**(a) a member of staff**
**(b) an elected member**
**(c) related to a member of staff**
**(d) related to an elected member**

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

○ Yes
◉ No

## Ownership Certificates and Agricultural Land Declaration

## Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- [x] Yes
- [ ] No

Is any of the land to which the application relates part of an Agricultural Holding?

- [ ] Yes
- [x] No

## Certificate Of Ownership - Certificate A

**I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding****

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

**NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.**

Person Role

- [ ] The Applicant
- [x] The Agent

Title

Ms

First Name

Jane

Surname

Leach

Declaration Date

13/11/2023

- [x] Declaration made

## Declaration

I/We hereby apply for Householder planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

- [x] I / We agree to the outlined declaration

Signed

Jane Leach

Date

2023/11/24

A3.2 Design and Access Statement/ Image document

# Design and Access Statement

**38 Wyverne Road, M21 0ZN**



A simple sensitive design that subtly enhances and reinforces the original character.



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# Executive Summary

The proposed works to 38 Wyverne Road have been considered in view of urban design, accessibility and safe places best practice. Particular consideration has been taken with regards to energy performance, by applying fundamental PassivHaus principles.

The seven characteristics that successful places share, as described in By Design: Urban Design In The Planning System – Towards Better Practice (Thomas Telford Lt. 2000), and that reflect design quality can be seen in the proposals put forward for consideration:

The massing of the extension is domestic in scale and sympathetic to the **character** of the existing building and it's context. The identity of this property will be enhanced and updated by this extension, which takes inspiration from the existing domestic architecture and continues the same materials, form and scale into this modest extension.

The two-storey side and single storey rear extension uses materials to match the original, creating a sympathetic, subordinate and discrete addition to the original house, maintaining the easy **legibility** of the site and existing dwelling.

There are no proposed changes to the existing boundary treatments, walls, fences, or gates, nor to the extent of hard landscaping. The hard landscaping is porous or drains to a soakaway within the site. The separation between public and private is very distinct and this will not change with this proposal. The **continuity and enclosure** that exists with a street frontage of low garden wall, and a combination of planting and hard landscaping for parking will remain.

There will be no negative impact on the **quality public realm** with this proposal. There is no risk that this proposal will create a terracing effect, even if the neighbouring property was also extended to the side in future. The overall form of this property will not change significantly, remaining a similar scale, with the same form and materials. The only visible difference will be that overall the building will be slightly wider, which will have minimal impact on the street. Location of doors and windows has been carefullly considered to maintain privacy for both this property and it's immediate adjacent neighbours. There will be no change to access onto the site for pedestrians or vehicles and the **ease of movement** currently enjoyed will not be altered. Stepping back the side extension from the side boundary by 700-800mm, maintains direct access to the rear garden from the front for bicycles, bins, and garden equipment, as well as ensuring that there is no terracing effect.

The nature of semi-detached houses is that they are adaptable. This proposal will not prevent future **adaptability** and represents a change to the internal layout that better reflects modern lifestyles. This proposal provides greater **diversity** and choice in the area for quality housing types. Rather than the mythical 2.4 children family, this property will cater for the typical 2 child family, each having an equivalent sized bedroom, as well as for increasingly common working from home with a small dedicated home office, reflecting real contemporary needs and demands of families.

Successful places need to be accessible for everyone and the 8 key elements that create inclusive design, as described in The principles of inclusive design (they include you) CABE, have been

considered and resolved in this design.

The completed building will be more **inclusive** providing the owners with a solution which more **conveniently** suits their needs. This will provide a welcoming and convenient home providing the occupiers with greater **flexibility** in the way they live here. The spaces created will enhance a sense of **welcome**, well-being and **accommodate** a modern family and lifestyle. The designs have been developed in **response** to the homeowners specific requirements, reflecting what they need and want. **Realistic** adaptations and alternatives have been explored and identified that can make this home more adaptable in the future to respond to changing needs. The layouts are easy to **understand** for occupiers and their visitors.

There are seven attributes of safe places and this proposal takes account of these to provide a safe and secure property. It has well defined spaces and entrances for easy **access and movement**, all overlooked for passive **surveillance** without diminishing neighbours privacy. This project will maintain the high sense of **ownership** clear with the existing boundary and landscape treatments. The existing boundaries that provide **physical protection** will remain and can easily be **managed and maintained** in the future, if security needs change. There is no proposed change to the **activity** on this site, which is a private residential property within a residential neighbourhood. The **structure** of the design does not need to allow for conflicting uses as this is a single family occupied home.

The works will improve the **energy efficiency** of this building and enable the owner-occupiers to live more sustainably. In particular the simple form and junction detailing that this proposal enables will maximise the potential for this extension to be built to higher energy efficiency standards, reducing cold bridging, maximising air-tightness, and enabling a high standard of insulation to upgrade the worst performing aspects of this existing building. This in turn will benefit the borough in its pursuance of sustainable and low-carbon development.

## Context

38 Wyverne Road is a two-storey semi-detached dwelling in Chorlton-cum-Hardy. This is a quiet residential neighbourhood. Built in the 1930's these houses are mainly red facing brick with a dentilled style brick course and decorative edge to the rendered first floor with a corner-stone-like detail. Alternate houses have an area of render to the first floor front elevation and a hipped or gable ended roof. Pitched roofs were originally slate but have largely been replaced with modern concrete rooftiles, originally the bay windows to the front had a flat roof but these have mostly had a pitched roof added continuing over the front doors to create a sheltered entrance which initially were mostly finished with a clay rosemary tile but now commonly match the main roof finish. Front gardens originally had low brick walls, shrubs and or a hedge, varied planting beds, an open driveway for off-street parking, and large rear gardens.

The extension proposed is relatively modest in size and scale compared to other house extensions in this neighbourhood. It deliberately does not follow the house extension guidelines, which are intended to prevent a terracing effect. This is because the relatively larger step back from the boundary ensures that there is no risk of a terracing effect with this proposal. This is a relatively modest extension and will not have any negative impact on immediate neighbours and even less on other nearby houses and their occupiers. The proposed rear extension is similarly small in size compared to other local existing rear extensions.

Economic impact is similarly modest and will maintain the value of this property in line with the changes made to other local properties, and in line with typical needs of modern families and their lifestyles.

## Planning Policy

This proposal is of a modest domestic scale and sympathetic to the original property, maintaining its modest domestic scale, form, detailing and character. The proposal has been designed sensitively to the context of the site and neighbourhood and respects the special qualities of the area. Care has been taken to create a set of sensitive proposals which are harmonious to the original property and it's character, through form and materiality of the new-build extensions and minor alterations, which largely replicate the original.

There will be no change or negative impact on the amenity of the neighbouring occupiers. The proposed design has been carefully considered with respect to reduction of overshadowing and protection of privacy, as well as maintaining existing access and on-site car-parking provision.

There is nothing in these proposals that is contrary to standard national planning policy requirements or detracts from the streetscene or neighbourhood. There will be no negative impact on the overall appearance of the proposal in the street-scene. In particular this proposal will not create a terracing effect.

The current local guidelines for residential extensions suggest a stepped back first floor design, or a gap of 1.52m between the side wall and common boundary, for side extensions with the intention of avoiding a terracing effect. However, this is not a firm rule and in this case there are significant

reasons why this proposal should not be limited by this guideline and instead should be considered on its merits and in relation to other planning requirements as described below.

The proposed design ensures a clear gap of 800mm at the front of the property between the side wall and the boundary. Since the boundary and the side wall of this house are not exactly perpendicular this width does reduce gradually towards the rear of the property to roughly 700mm, which is adequate to access the rear garden with standard garden equipment, bicycles and domestic rubbish bins. This clear width will ensure a clear gap between it and the adjacent house, even if the adjacent house was also extended to the side within current guidelines. Should the neighbouring property be extended in the future to also leave an 800mm gap between the side wall and the boundary, or even with a full width extension with a set back at first floor level, then there would still be a clear visual separation and no terracing effect between this property and the adjacent neighbour. In addition this neighbourhood is characterised by an alternating gable ended and hipped roof layout, which means that the roof form will further create a distinction between the two properties with a visible separation. So long as any future extension to the adjacent neighbouring property is carried out within current planning guidelines there will be no risk of a terracing effect should this proposed design be approved.

It is an important aim of the National Planning Policy Framework that housing development should take account of current and future demographic trends, market expectations and the needs of a wide range of people. It is also desirable that people are able to adapt their houses in appropriate ways to meet changing household needs. This proposal is based on a rigorously considered and in-depth briefing to explore current and future needs for this family with two children based on their personal and working lives. The trend for professionals to work from home has become the norm and it is the case that both adults in this family currently work from home, at least part of the time, and expect this to continue with a likely increase to full time for them both. Therefore it is essential not only to create two equivalently sized bedrooms for each child to ensure adequate space for them into young adulthood when they will require bedroom space to study at home, but also to add sufficient workspace for each adult to ensure their family needs are met. This is not unique to this family but is in line with market trends which is likely become even more prevalent as an outcome of future flexible working legislation due to come into effect in 2024. The additional space provided by this two storey side extension ensures that both the small front bedroom is enlarged to make it equivalent in size to the 2$^{nd}$ bedroom so providing adequate space in each for a bed, wardrobe and desk study space, as well as to create an essential dedicated home office space, with further workspace able to be accommodated downstairs. It is not possible to achieve this necessary home office and bedroom study space should a set back to the first floor at the front of the side extension be required. The old standard of a 3-bed house for a family of 2.4 children is inadequate for modern families with additional work from home along with academic study requirements, so the extension of this property will ensure that this home provides quality accommodation in line with both current and future trends as well as for this specific families needs.

There is an imperative need for carbon emissions reduction in line with protection from climate change to be considered in relation to future development, which is also reflected in planning legislation in relation to sustainable design requirements. PassivHaus is considered to be the gold standard for energy efficient design since it has the smallest performance gap between designed outcome and built in-use outcomes. Although this extension is not designed to be PassivHaus

certified it does follow fundamental PassivHaus design principles to maximise the energy efficiency performance of the external envelope. By simply extending the same form of the existing building envelope to the side, maintaining the same simple form of the original gable roof, the potential for complex junctions is minimised, which means that it is easier to ensure an effective continuous insulated envelope with minimal cold bridging. If a step back at the front first floor level was introduced, as suggested by local house extension guidelines, this would create several additional complex junctions which would be vulnerable to cold bridging, as well as retain a portion of the poorly performing existing north facing external wall, so substantially reducing the energy efficiency of this property. The space to the side of this property is north facing, which in the northern hemisphere is the coldest orientation, so the proposed extension provides the opportunity to create a well insulated north facing wall to effectively upgrade the thermal performance of the property as a whole. Thermal imaging surveys have shown the existing north facing side wall to be particularly poorly performing, and the owners also experience problems with draughts, damp and mould growth along this wall. The proposed design resolves the current problems with draughts, damp and mould to create a new thermal envelope to the north face of the property with minimised window openings to bring in natural light to spaces only where necessary to minimise the use of artificial lighting, which will significantly improve the energy performance, reduce potentially negative health impacts and upgrade this property in a way that would not be possible if it were to follow local house extension guidelines.

There is a need for higher quality design in our built environment and planning legislation supports the approval of design which reflects this. The design of this extension is of much greater quality than standard house extension designs in this neighbourhood. The carefully considered scale and form of this extension does not create a generic standard design, but is sensitive to the original period of the property while being contemporary and sustainable. The treatment of the materials – brick with a decorative ribbed effect – is inspired by a local landmark building which was built at a similar period to these houses. This textured brick effect to the front elevation reflects current design sensibility to use brickwork in a more decorative way. This detail adds current design interest to the character of this house in a way that is sensitive to both the context of its period and it's original character. The simplified frontage of this extension creates a bookend effect to this semi which further visually reinforces the edge or end of the semi – so visually strengthening and giving clarity to the sense that this is definitely not a part of a terrace.

The proposed design represents no harm to the overall character of the surrounding area, and ensures that the amenities of neighbours are protected, while creating high quality sustainable accommodation which meets current and future market needs.

## Precedence

The current local house extension guidelines have been produced to prevent a terracing effect from occurring when detached or semi-detached homes are extended to the side. Unfortunately these guidelines are not creating the desired results, as seen in appended photos. Therefore it is necessary for these guidelines to be considered carefully in relation to proposals, and at times ignored, as they are not a straightforward solution to the problem of preventing a terracing effect.

What can actually happen when the standard accepted design of a recessed first floor level to a side extension up to the boundary edge is implemented is that an articulated terrace is created.

Please refer to the Precedence Photos sheet as an appendix to this statement.

Precedent Image 1. It is clear in this photograph taken on Kings Road that neighbouring buildings extending up to the boundary in accordance with current house extension guidelines do not prevent a terracing effect and instead create an articulated terracing effect.

Precedent Image 2. The front view of the same extended neighbouring properties shows the obvious terracing effect, the uncomfortable collision of roof forms and the damage to the character and grain of the neighbourhood with side extensions that comply with guidelines.

Precedent Image 3. While the set back from the side boundary of this white rendered side extension prevents the risk of a terracing effect, the nominal set back from the building frontage adds nothing to the prevention of a terracing effect, but does complicate the roof form and therefore disrupts the simplicity of the original overall form and character of the streetscene.

Not only is the unsympathetic setting back from the building line along with building up to the boundary, damaging to the character and grain of the neighbourhood, it also creates the possibility for deterioration of the properties with inherent difficulties to maintain junctions, particularly where gable ended properties collide with hipped roof ones.

The only way to prevent a terracing effect is to restrict building up to the boundary line and ensure that there is a gap between houses. This gap does not need to be very large in order to maintain the visual detachment, but does need to be a minimum width that enables the gap to be registered visually. Something in the order of 600-800mm enables this visual separation.

A gap also provides a minimal width that enables access for maintenance and to connect rear gardens to the front, without having to go through the building. While if it is a requirement to make this width accessible for all then something approximate to 900-1200mm would be required as a minimum.

Setting back a side extension even nominally from the line of the building frontage introduces an articulation and complicates roof forms, in ways which have no precedence in the original simple forms of this neighbourhood. Simply continuing the building line creates a more harmonious and sympathetic result, while ensuring a gap between the end wall of a side extension and the separating boundary prevents a terracing effect as long as the gap is visually obvious.

Design details and materials can enhance this visual clarity that there is an end to the building.

This neighbourhood contains many examples of properties with side extensions. Some completed prior to the current house extension guidelines being implemented and others since. It is very clear from a quick walk around of just a couple of the streets that the intention behind the guidelines to create a high quality public realm that retains its character and prevents a terracing effect has not been met here by side extensions which rigidly follow the guidelines.

The character derived by the very simple form of these art deco buildings is radically altered by the articulated side extensions with their first floors set back from the building frontage and subsequent complex roofs. The simplicity of the alternating pattern of hipped then gable roof

forms is confused by the first floor set backs which enforce an articulated roof form. While from a perspective view along the street the set back at first floor can help to minimise the visual effect of the terracing, this is only effective from a more distant perspective. While as soon as you see these properties at a closer viewpoint or face on, the articulated terracing effect is clear and the character of the neighbourhood significantly altered.

As a result of implementing complex articulations against the character of the original properties in this neighbourhood, the current house extension guidelines when applied rigidly have caused harm to the character of this neighbourhood. Simply following the guidelines prevents more subtle and sensitively designed alterations from being carried out.

A more sensitive approach that works with the character and simple forms and patterns of these properties will be more effective than simply following the current house extension guidelines. This is what is proposed here with this design for a side extension to 38 Wyverne Road.

The impact of this proposed design on the form and character of the street scene can be seen in the 3D views produced and shown on the appended photos sheets. The front elevation shown on the cover of this report show that there will be a clear visible gap between this proposed side extension and the neighbouring property. The existing, proposed and potential 3D street views which have also been created show further than not only does this proposal have minimal effect on the character and form of the original building, but that even if the neighbours where to extend in a similar form as the guidelines suggest, that there would still be no risk of a terracing effect.

This proposed design maintains the character of the original property, with a reinforcement of the simplicity of the buildings overall form, along with sensitive brick details which enhance the original subtle art deco brick details referencing ancient Greek design. The texture and materiality of the proposed side extension also creates a "bookend" effect which further shows that there is a definite end to this building and not a continuation as a terrace. The set back from the boundary, leaving 800mm clear at the front, ensures that visually and practically there will be no risk of a terracing effect, even if the neighbours were to extend their property according to the current house extension guidelines.

## Consultation

The owners have had conversations with neighbours to discuss the proposals prior to planning submission, and any concerns have been taken into account where expressed. Several of the neighbours have been particularly supportive of the design proposal to not step back at first floor level to the front, and see this as more in keeping with the character of the original house designs.

No pre-application advice has been sought since this is a relatively low-scale and low-impact proposal. All standard requirements to take into account design quality, and amenity of neighbours have been considered and incorporated into the designs.

# Existing

**Use**
This is a 3-bed family home.

**Amount**
This is a plot of land that provides a reasonable amenity provision, with a rear garden which extends back a reasonable distance. There is also a front garden and sufficient width to comfortably access the rear garden to the side. The site is approximately 288 square meters and the existing house occupies a footprint of 55.2 square meters. The accommodation is over 2 storeys.

**Layout**
This is a semi-detached property with a driveway to the front, sufficient for one parked car. The kitchen overlooks the rear garden and to the side. There are existing windows to the kitchens and landing on the side elevations, and a side door to access the kitchen directly. The main entrance is to one side of the front elevation.

**Scale**
The main part of the existing house has an eaves height of around 5.1m, which varies due to ground sloping, with height to ridge of 7.8m. The width of the main part of the existing house is 5.9m and the depth front to back 8m, with an existing rear single storey extension extended back by 2.2m.

**Landscaping**
This is a pleasant suburban area with varied planting in front gardens which contribute to the quality and character of the place. As to the neighbouring houses the front garden has a low front garden wall, a driveway, lawn and planting area.

**Appearance**
This two-storey dwelling is built with red facing brick and an area of render. Brick details include a dentille-like course and a corner stone like edge to the render. It has a terracotta pantile finished gable roof. Windows have brick header lintols. Existing windows are mainly white UPVc casements.

**Evaluation**

The owners would like to improve the property for their young growing family so that it better supports their needs both as a family and as professionals working from home.

To the rear of the house they would like to create a large family room that can open up flexibly to include the kitchen. To achieve this they would like to extend back and create internal structural openings to maximise the space available. They would like to improve the connection between the inside to the garden to make access to the rear easier.

The existing kitchen is inadequate as it is far too small to safely prepare meals as a family and has an inconvenient connection with the dining space. Views of the garden and access to the rear are also limited. The intention is to create a better visual and physical connection with the garden, which will promote wellbeing for the occupants and make this home more attractive and enjoyable to live in.

There is no existing utility room. So this proposal creates a small dedicated utility room within the side extension, along with an easily accessed downstairs toilet, and cloak space. The larger hallway that this provides makes entering and leaving the house much easier for a family with children. The addition of a porch to the front further improves the energy efficiency of the property and provides for better post delivery and shelter on entering.

To the first floor the owners would like to provide each child with a similar size and quality of bedroom so they have sufficient space for play, clothes and toy storage, as well as space for self study as their academic development requires. They also require a dedicated home office space to make working from home more convenient and provide a healthier manageable work-life balance. The existing third bedroom is very small and doesn't provide sufficient space for both wardrobe storage and study desk space for a child and there is no space dedicated for home office use.

A sensitivity to views, light, privacy, private enjoyment of their property, along with the size and form of the existing external spaces and the owners needs in using these is the guiding parameter in this proposal. Key to the design has been to update the property with a more energy efficient and modern design, while being sensitive to the domestic scale and character of the existing. As an example the windows to the north facing side elevation have been minimised and only introduced where necessary to introduce natural light for functioning spaces, while glazing will be largely obscured for privacy both for the inhabitants and for their neighbours.

# Proposal

**Use**
The use of the building will remain as a single family home.

**The client brief**
The clients needed their home to reflect their family lifestyle and careers better. Managing the needs and duties of both adults working from home some or all of the time along with childcare responsibility is a struggle without adequate home office space. Ensuring a balance between working life and personal home life is one key driver for this proposal. For their growing family the children need more similarly sized bedrooms. While for home working an extra space as a dedicated home office is essential. This family is also dedicated to making an effort to prevent climate change and are seeking ways to improve the energy efficiency of their home while also removing health concerns of condensation and mould growth, so they are keen for passivhaus principles to be adopted in relation to the form and external surface area to internal volume ratio.

**Amount**
The additional footprint created by the proposed two-storey extension to the rear and side extension will be approximately 18 square meters to the ground floor. The additional space to the first floor within the proposed two-storey extension and will provide approximately an additional 10.5 square meters to the first floor.

**Layout**
The rear single-storey extension replaces the existing single storey extension to the rear and extends a little further to each side across to the full width. The two-storey side extension increases the overall width of the property, but only marginally. The access routes will remain unchanged with access retained to the side of the house, and an additional patio door to the garden improving the connection between the house and garden.

**Scale**
The new two-storey side extension is a relatively small increase to the width of the house by 1.3m and doesn't affect the access to the rear garden from the sides. The new single storey rear extension goes back by 1.8m into the garden across the width of the existing house and the proposed side extension. This is a reduction from the current rear extension depth of 2.2m. The eaves level maintains the existing height. The ridge to the new two-storey extension gabled roof is the same as the existing ridge. The scale of the additions are very modest and replicate the scale of the existing house. The strategy has been to maximise the beneficial internal space while minimising the impact on the overall scale of the property.

**Landscaping**
The garden spaces will continue to be maintained in a similar way to suit a busy family with an interest in gardening.

**Appearance**
The design rationale behind the extensions is to create a home that is unified in overall character, with the new elements sympathetic to the original character of the building. Key intentions are to use a very simple palette of materials, to maximise sunlight and daylight to both internal and

external spaces, to maximise views of the garden and to create a convenient and comfortable access between the house and the garden. The forms are very simple and take their cues from the original domestic forms, of pitched roofs and unarticulated masonry walls. The materials will be selected to match as closely as possible to the original for the bricks, roofing tiles and windows.

Please refer to the plans and elevations submitted with this application.

## Access

There are no changes to vehicular or pedestrian access onto the site. The access to the rear garden from the house will be retained, albeit a narrower access route sufficient for the inhabitants needs.

## Safety and security

The area is relatively safe and secure. There are no changes proposed to the boundary treatments which are the main barriers to intruders. There will be a side gate to restrict unwanted access to the rear of the property from the front.

## Flood Risk

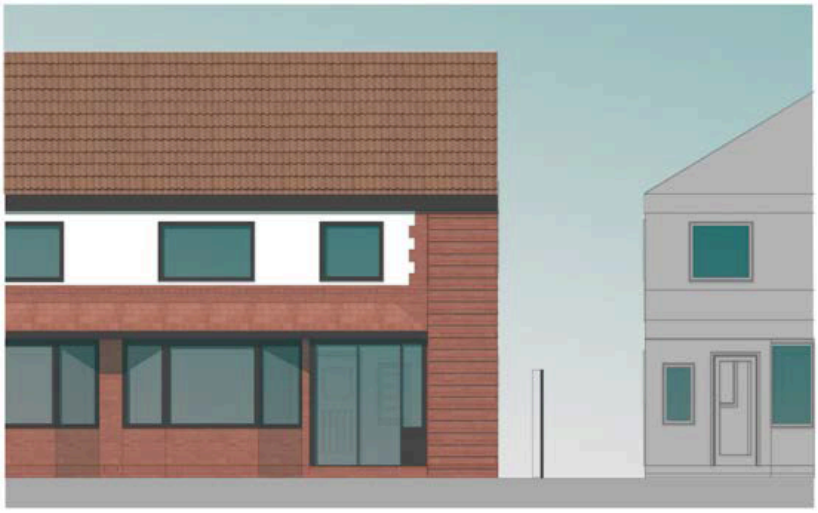
This property sits in a no flood risk area. This indicates that there is a no likelihood of flooding.

## Energy Performance

This proposal will meet the existing building regulations standards to environmental performance as a minimum. Replacing the existing poorly performing single storey rear extension and the north facing external wall will significantly improve the overall energy performance of this property. Additional windows to the side elevations will bring more natural light into the property at the centre and reduce the need for artificial electric lighting, while being limited to only spaces where this natural light is a necessary addition in order to maximise the energy performance of this elevation.

# Design and Access Statement

Photographic appendix | 38 Wyverne Road



A simple sensitive design that subtly enhances and reinforces the original character.

# Precedence Images

Photographs of side extensions in the neighbourhood



Image 1: Shows how extensions built to current guidelines create an articulated terrace effect



Image 2: Shows how extensions built to current guidelines create an articulated terrace effect, and harm the character of the neighbourhood with additional potential future problems for maintenance.



Image 3: Shows how a set back from the boundary is sufficient to prevent a terracing effect while a step back from the building line harms the character of the overall building form.

# Proposal Images

3D views to illustrate existing, proposed and potential streetscenes





Existing
This view shows the existing street view of 38 Wyverne Road with immediate neighbours.





Proposed
This view shows the street view as it will be with the proposed side extension completed. This clearly shows that this proposal will have little impact on the streetscene.





Potential

This view shows the street view as it could be with the proposed side extension to 38 Wyverne Road and an additional possible side extension built to current guidelines to the neighbours property (shown in red). This shows that the proposed extension to 38 Wyverne represents no risk of a terracing effect, even if the neighbours were to build a maximum side extension within current guidelines.

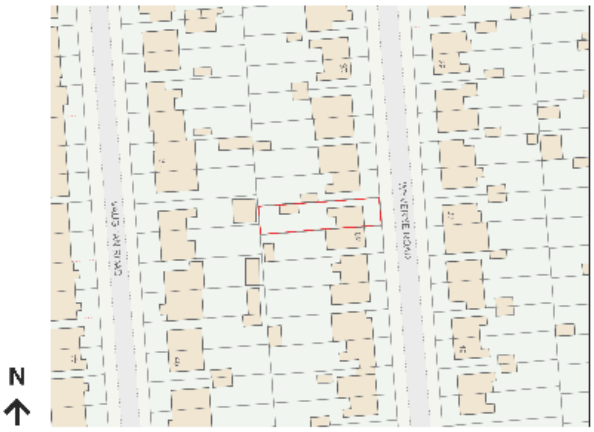
A3.3 Location Plan/ Edge Red

**Location Plan**
Site Address: **38, Wyverne Road, Manchester, M21 0ZN**

PlanningPortal

Date Produced: **25-Nov-2023**

Scale: **1:1250 @A4**



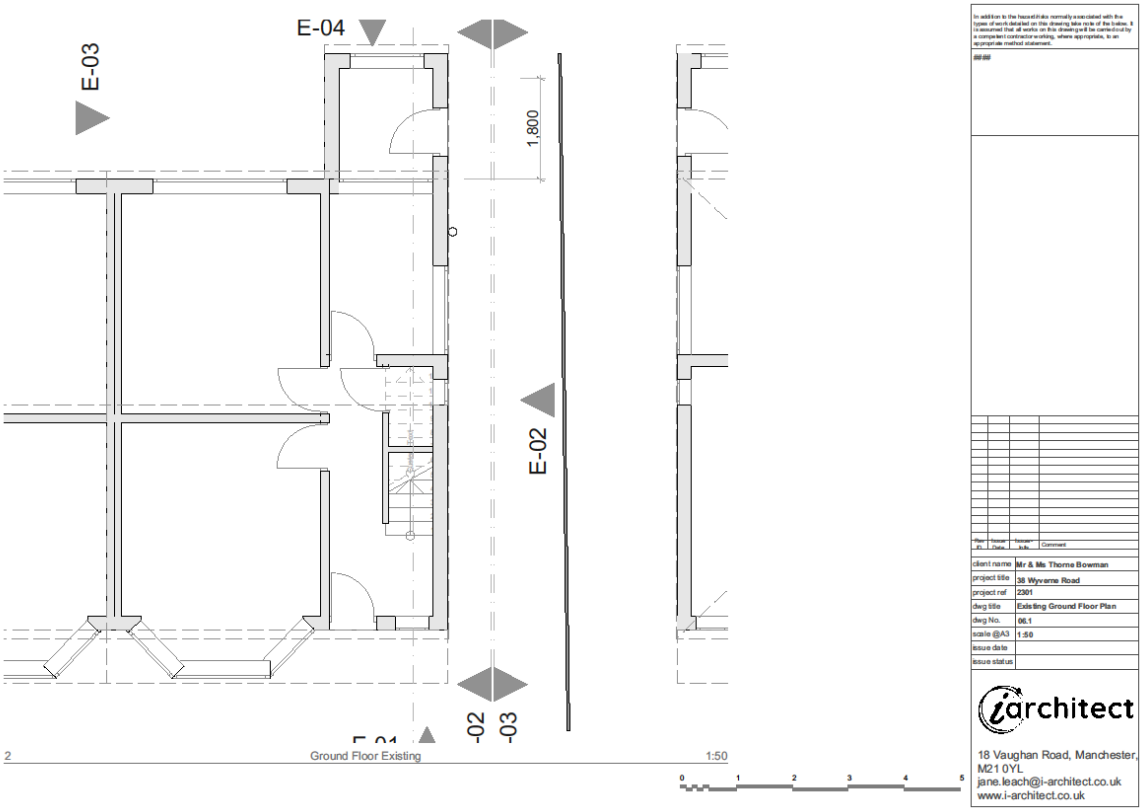

Planning Portal Reference: **PP-12599954v1**

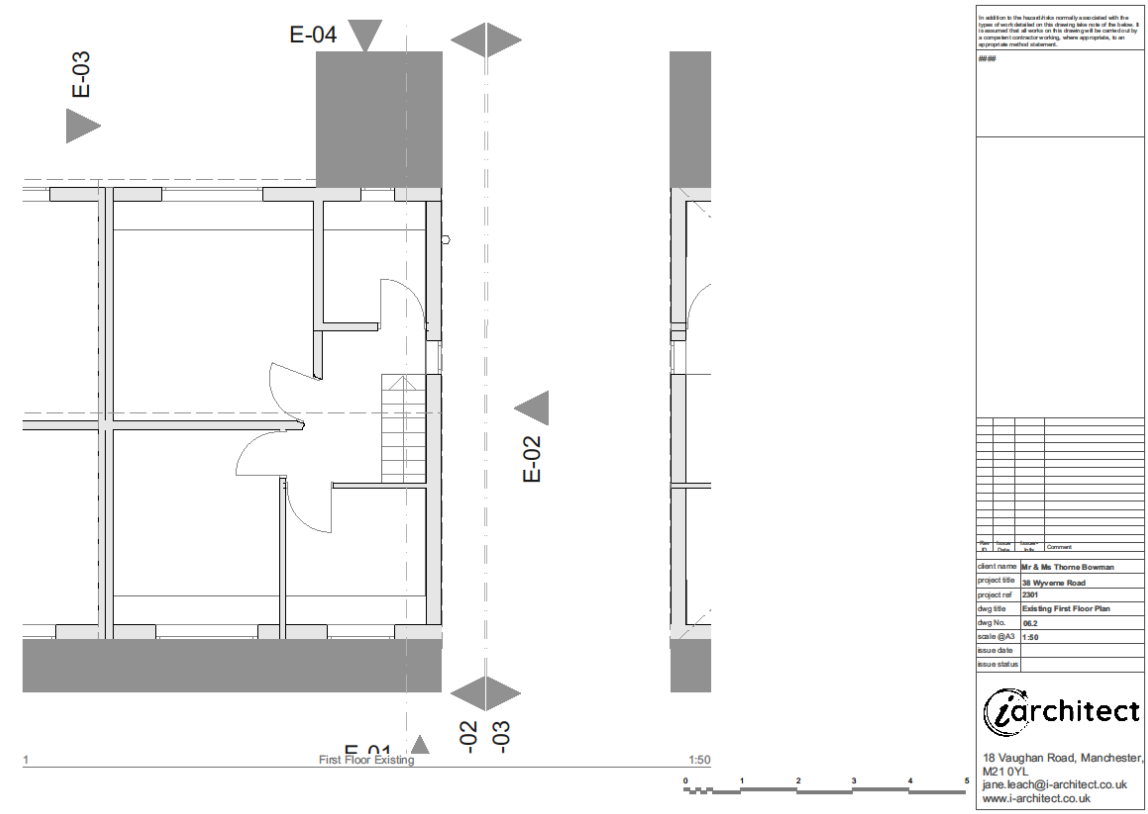
0 50
Metres

TerraSurvey

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## A3.4 Existing Floor Plans

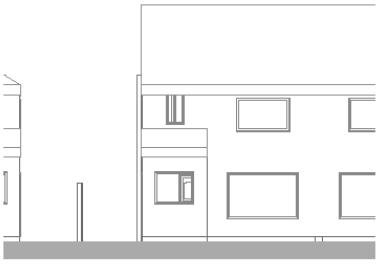


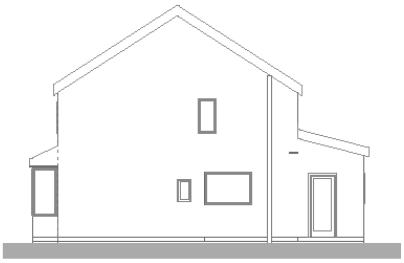
# A3.5 Existing Elevations



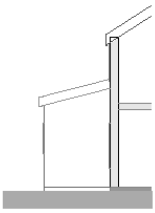
1 Front Elevation (East) Existing 1:100



4 Rear Elevation (West) Existing 1:100



2 Side Elevation (North) Existing 1:100



3 Side Elevation (South) Existing 1:100

In addition to the hazard/risks normally associated with the types of work detailed on this drawing take note of the below. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

###

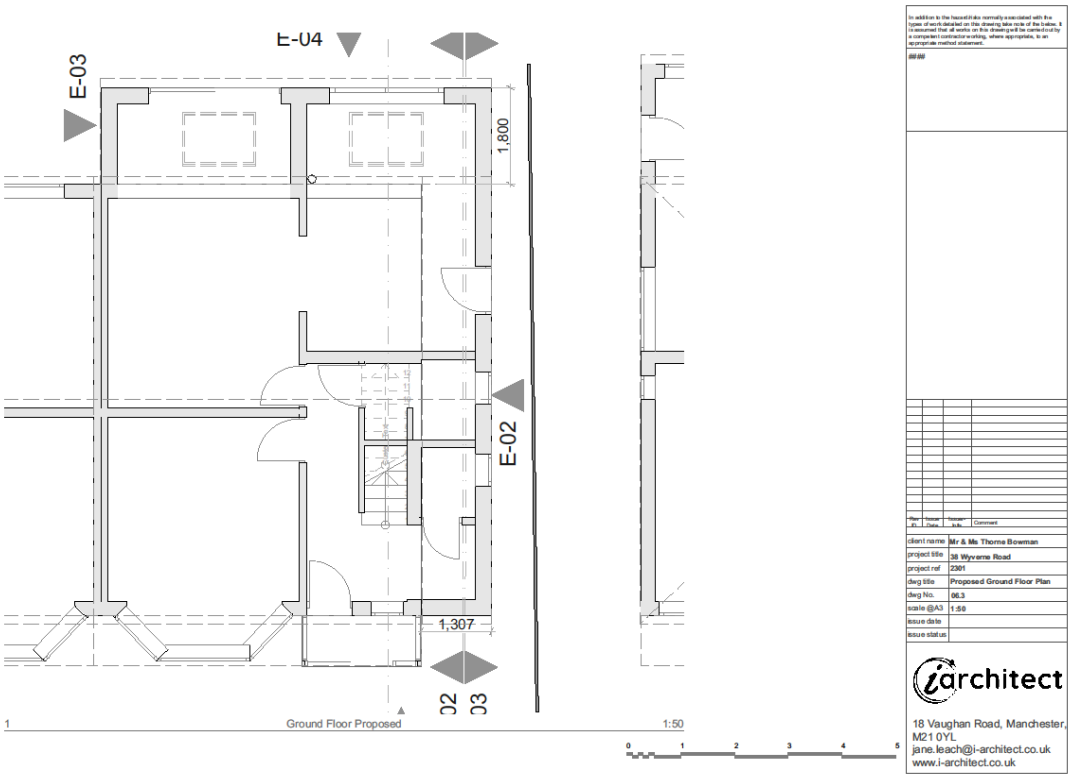
| Rev ID | Issue Date | Issue Info | Comment |
|---|---|---|---|

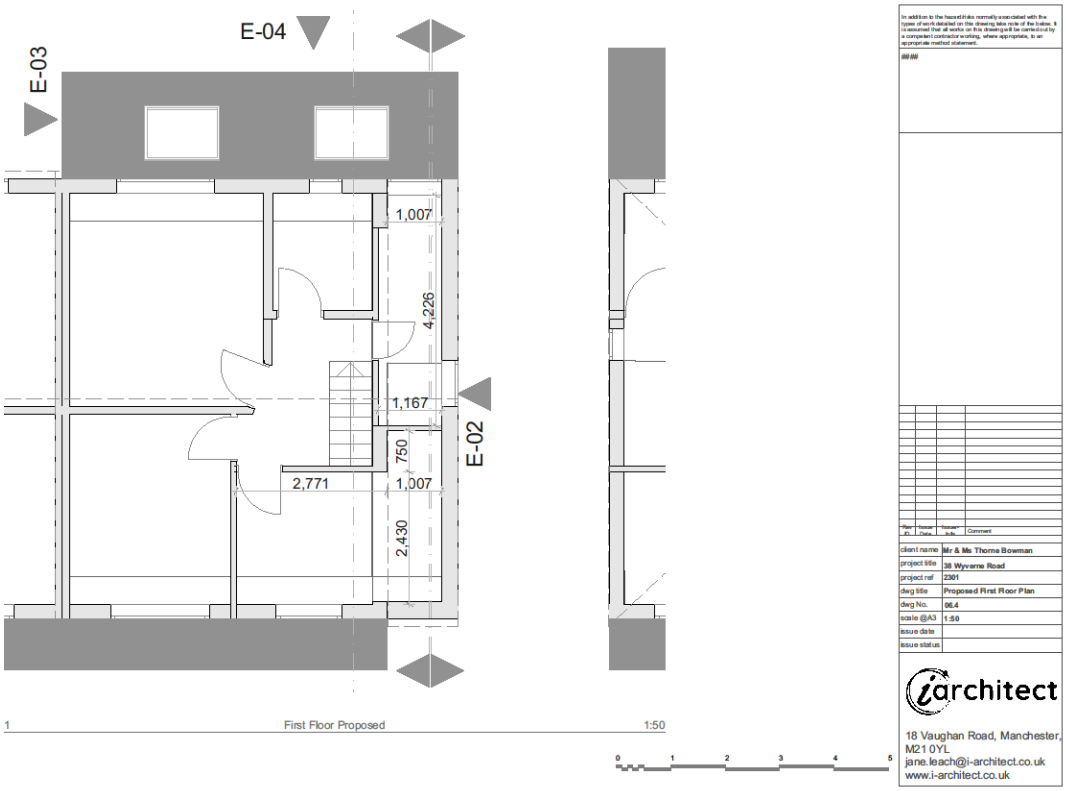
| | |
|---|---|
| client name | Mr & Ms Thorne Bowman |
| project title | 38 Wyvern Road |
| project ref | 2301 |
| dwg title | Existing Elevations |
| dwg No. | 06.5 |
| scale @A3 | 1:100 |
| issue date | |
| issue status | |

i-architect

18 Vaughan Road, Manchester, M21 0YL
jane.leach@i-architect.co.uk
www.i-architect.co.uk

## A3.6 Proposed Floor Plans



# A3.7 Proposed Elevations



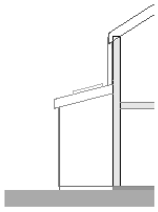
1 Front Elevation (East) Proposed 1:100



4 Rear Elevation (West) Proposed 1:100



2 Sice Elevation (North) Proposed 1:100



3 Side Elevation (South) Proposed 1:100

In addition to the hazard/risks normally associated with the types of work detailed on this drawing take note of the below. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

###

| Rev ID | Issue Date | Issue Info | Comment |
|---|---|---|---|
| | | | |

| | |
|---|---|
| client name | Mr & Ms Thorne Bowman |
| project title | 38 Wyverne Road |
| project ref | 2301 |
| dwg title | Proposed Elevations |
| dwg No. | 06.6 |
| scale @A3 | 1:100 |
| issue date | |
| issue status | |

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# Appendix 4: Excerpts from relevant policy documents

**Policy SP1**

The Key spatial principles that guide the strategic development of Manchester that are relevant to this proposal are:

> *"the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.*
>
> *All development should have regard to the character, issues and strategy for each regeneration area."*

**Policy H1 Overall Housing Provision**

9.27 It is important to increase housing choice by adding to the stock of larger housing units

**Policy T1 Sustainable Transport**

- Improve choice by developing alternatives to the car
- Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car.

**Policy EN1**

The seven design principles:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

**Policy EN4 Environment**

The Council will seek to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through the following actions:

- All development must follow the principle of the Energy Hierarchy, being designed:
- to reduce the need for energy through design features that provide passive heating, natural lighting and cooling
- to reduce the need for energy through energy efficient features such as improved insulation and glazing

- to meet residual energy requirements through the use of low or zero carbon energy generating technologies

**Policy EN8 Adaptation to Climate Change**

This policy is explicit about the approach to be taken to passive design: “Including regard to passive design”

**Policy EN 16 Air Quality**

This policy supports the reduction of car use which results from increased working from home: “Minimise and mitigate the local impact of emissions from traffic”.

**Policy DM1**

All development should have regard to the following specific issues:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

**DC1 of Extant UDP**

This guidance relates to residential extensions and in particular for two-storey side extensions it states:

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

a. the development potential of the gap between detached and semi-detached houses is capable
of being shared equally by the owners or occupiers of the two properties concerned;
b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

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

There are several relevant clauses in this guide:

Clause 2.44  promoting diversity and choice states that “It is an aim for Manchester to widen the range of property types within local areas”

Clause 4.5 relating to energy efficiency states a requirement to “reduce energy demand at the earliest stages of design. Following design principles that include minimising reliance on energy-using equipment for heating, lighting and natural ventilation.” and using “Passive design principles”.

9.2 encourage active lifestyles - walking and cycling priority over cars

9.4 improve housing quality - maximising natural light, designing for longevity, enabling people to stay in their homes longer.

9.5 improve access to work - shortening journeys to work by bringing employment near to residential areas

10.1 Internal design principles and provision of space within housing - “reduced size of rooms is unfavourable”.

10.4 satisfactory internal layout that makes best use of the space available - for example, avoiding creation of unnecessary circulation space. Ensure that spaces are well lit and ventilated naturally.

# Appendix 5: MCC examples of previous approvals

| Application reference | Address | Proposed works | Date approved |
|---|---|---|---|
| 102037/FH/2013/S1 | 34 Wyverne Road | Two storey side extension up to boundary fence | 13/10/2016 |
| 129586/FH/2021 | 235 Kings Road | Two storey side extension with 1m set-back at first floor and 700mm gap to boundary fence | 05/05/2021 |
| 125949/FH/2020 | 237 Kings Road | Two storey side extension up to boundary fence | 10/03/2020 |
| 121640/FH/2018 | 236 Kings Road | Two storey side extension up to boundary fence | 17/12/2018 |
| 073987/FH/2004/S1 | 254 Kings Road | Two storey side extension up to boundary fence | 05/01/2005 |
| 073994/FH/2004/S1 | 252 Kings Road | Two storey side extension up to boundary fence | 05/01/2005 |
| 128810/FH/2020 | 222 Kings Road | 2 storey side extension with 1m set back at ground floor and 900mm gap to boundary fence | 03/02/2021 |
| 115253/FH/2017 | 47 Chatburn Road | Two storey side extension with 440mm set back at first floor | 24/07/2017 |
| 132253/FH/2021 | 81 Egerton Road South | Two storey side extension with 1m set-back at first floor and 750mm gap to boundary fence | 14/01/2022 |

Where these extensions share a common boundary 235/237 Kings Road and 252/254 Kings Road it becomes apparent that the gap between side walls forms a clearer distinction between the properties than a set-back at first floor.



252/254 Kings Road - Both properties have extended to the boundary with a set-back at first floor. This has created the effect of an articulated terrace with no visual separation between these properties.



252/254 Kings Road - One property has extended to the boundary. Both properties are set back at first floor by approx 1.5m. Since there is such a narrow gap the separation is not clear and a terracing effect has been created in spite of the first floor set back. Showing it is the gap not the first floor set back that is essential to preventing a terracing effect, and that despite this lack of gap no negative effect is created on amenity for each property.

The following are examples in the local area where side-extensions have been built, with a step back of less than was advised by LPA i.e. 1m at ground floor, or 1.5m at first floor, with no terracing effect created.

**222 Kings Road**
Application number:128810/FH/2020




**47 Chatburn Road**
Application number: 115253/FH/2017



# Appendix 6: National Planning Policy Framework (NPPF)

December 2023

**Para 131**

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps male development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants , communities, local Planning authorities and other interests throughout the process.

**Para 135**

Planning policies and decisions should ensure that developments:

(a) Will function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development;

(b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) Are sympathetic to the local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) Establish or maintain a strong sense of place. Using the arrangement of streets, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) Create places that are safe, inclusive an accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

**Para 137**

Design should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

# Appendix 7: Neighbours floor plan showing room types letting onto side

Floorplan of No. 36 Wyverne Road - taken from current sales listing:

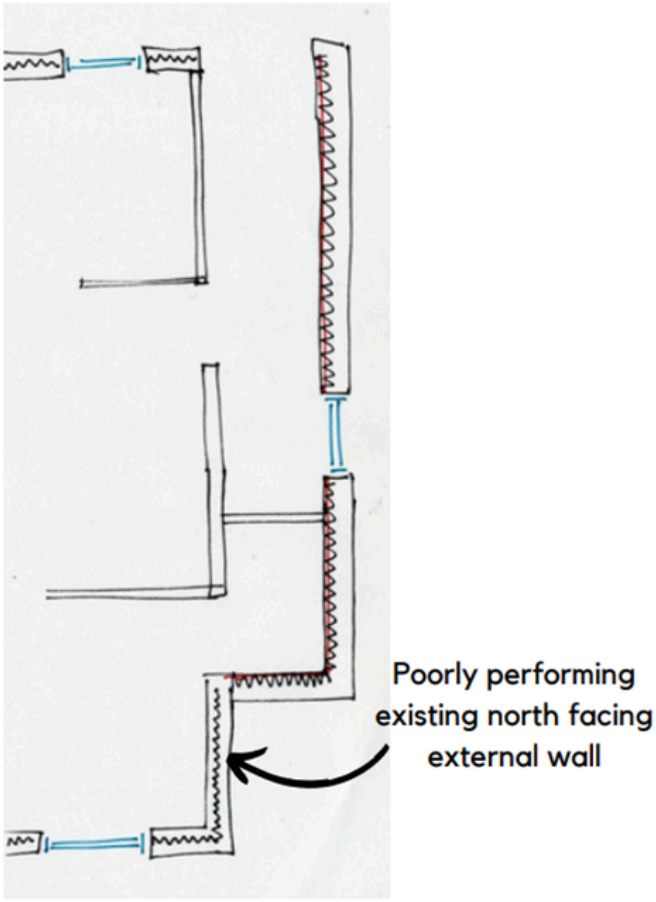



The appellant property is to the left hand side of this property.
Areas that let onto the appellants property are circulation, galley kitchen and ancillary storage spaces.

# Appendix 8: Passivhaus principles Illustration

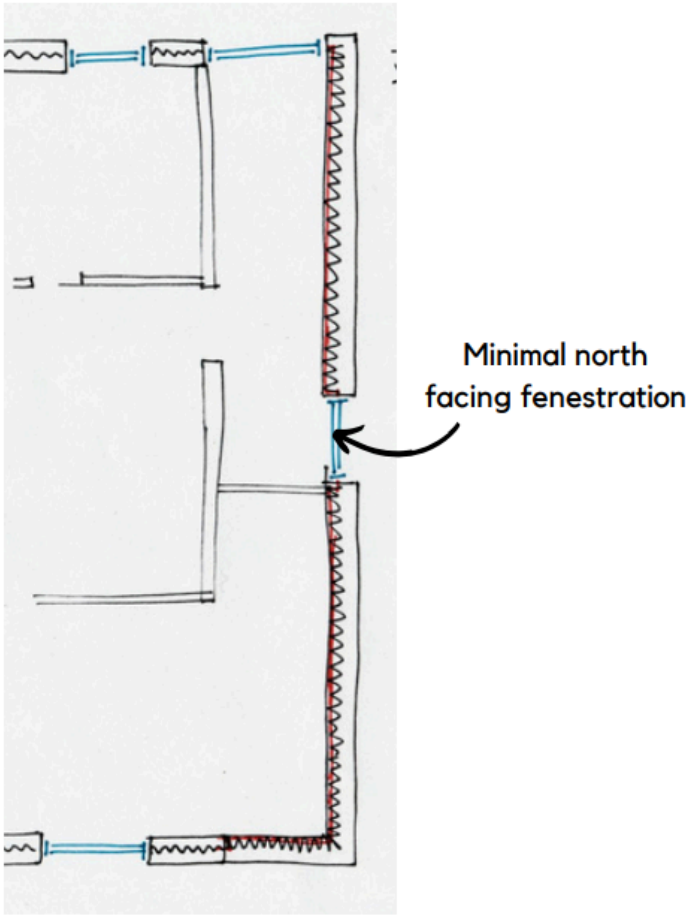
Following passivhaus principles improves thermal efficiency even if a full passivhaus standard is not achievable. Key factors to consider are orientation, building form and fenestration. The fabric or envelope is designed to achieve a high thermal and airtight performance by:

- maintaining continuity of insulation and airtightness;
- minimising complexity, thermal bypass and thermal bridging;
- optimising buildability and external envelope to internal volume ratio.




**Effect of 1.5m set back**

Exposed poor performing north facing wall Added complexity in form and junctions, leading to risks in continuity of insulation and air-tightness. Not just in plan but also in section with junctions related to the roof of a single storey at ground floor and the consequent abutments between new roof and existing wall and proposed wall. Reduced internal volume to external surface area ratio

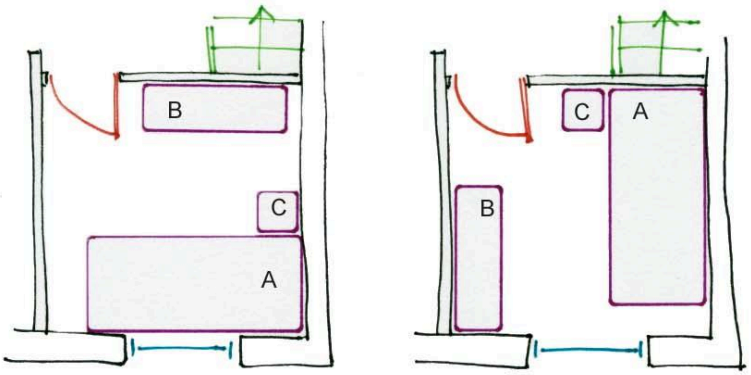



**Effect of proposal**

Enclosed poor performing north facing wall Reduced complexity in form and junctions, enabling better buildability and continuity of insulation and air-tightness. Optimised internal volume to external surface area ratio.

# Appendix 9: Internal Spaces Illustration

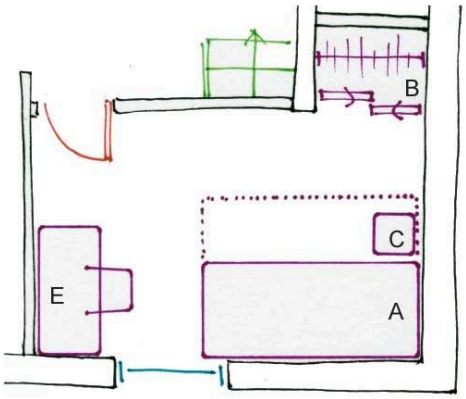
Furniture Key
A - Bed
B - Wardrobe
C - bedside table
D - small desk + chair
E - standard desk + chair




**Existing Layout**
**Single Room 5.5sqm**

* Limited Space
* Some flexibility
* No room for desk

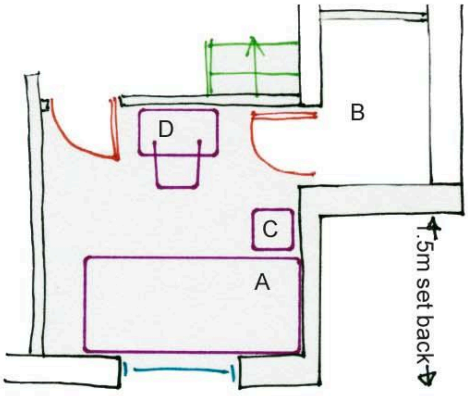
This is significantly smaller than the 7.5sqm that is the technical housing standards nationally described space standard for a single bedroom.




**Proposed Extension**
**Single Room 9.10sqm (includes wardrobe)**

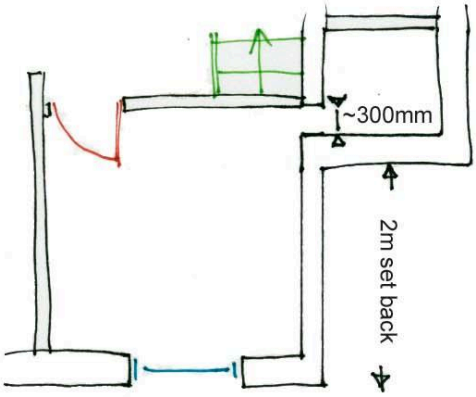
* Adequate Space
* Room for standard desk
* Space for double bed
* Some flexibility
* Built in wardrobe
* Space for additional storage

Although this could accommodate a double bed it is smaller than the 11.5sqm that is the nationally described space standard for a double bedroom.




**1.5m Set Back**
**Single Bedroom 7.2sqm**

* No added useable room, only storage
* Less space to move
* Limited room for very small desk
* No flexibility




**2m Set Back**

No additional space is created that is possible to access, so this set back at first floor prevents alterations to the front bedroom.

# Appendix 10: ***DELETED***

CONTENTS OF APPENDIX 10 HAVE BEEN REMOVED.
THESE DOCUMENTS WERE SUBMITTED AS PART OF THE APPLICATION TO THE LPA DURING THE PUBLIC CONSULTATION PERIOD.

# Appendix 11: Levelling-up and Regeneration Act 2018 (LURA) - Excerpt



(5I) If a notice is given to the new owner under subsection (5H), the first notice referred to in that subsection ceases to have effect."

**105 Removal of compensation for building preservation notice**

(1) The Listed Buildings Act is amended as follows.

(2) In section 3 (temporary listing in England: building preservation notices), after subsection (1) insert—

"(1A) Before serving a building preservation notice under this section, the local planning authority must consult with the Commission.

(1B) Subsection (1A) does not apply where the Commission proposes to serve a building preservation notice under this section (see subsection (8))."

(3) In section 29 (compensation for loss or damage caused by service of building preservation notice where building not listed)—

(a) in the heading, after "damage" insert "in Wales";
(b) omit subsection (1);
(c) in subsection (1A), omit "also".

(4) The amendments made by subsection (3) do not apply in relation to a building preservation notice that has come into force before that subsection comes into force.

## CHAPTER 4

## GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

**106 Street votes**

(1) TCPA 1990 is amended in accordance with subsection (2).

(2) After section 61Q (community right to build orders) insert—

*"Street vote development orders*

**61QA Street vote development orders**

(1) A process may be initiated by or on behalf of a qualifying group for the purpose of requiring the Secretary of State to make a street vote development order.

(2) A "street vote development order" is an order which grants planning permission in relation to a particular street area specified in the order—

(a) for development specified in the order, or
(b) for development of any description or class specified in the order.

**61QB Qualifying groups**

(1) A "qualifying group", in relation to a street vote development order, is a group of individuals—

(a) each of whom on the prescribed date meet the conditions in subsection (2), and

(b) comprised of at least—

(i) the prescribed number, or

(ii) the prescribed proportion of persons of a prescribed description.

(2) The conditions are that the individual—

(a) is entitled to vote in—

(i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or

(ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,

(b) has a qualifying address for that election which is in the street area that the street vote development order would relate to, and

(c) does not have an anonymous entry in the register of local government electors.

(3) A "relevant council" means—

(a) a district council,

(b) a London borough council,

(c) a metropolitan district council, or

(d) a county council in relation to any area in England for which there is no district council.

(4) For the purposes of this section—

(a) "anonymous entry" is to be construed in accordance with section 9B of the Representation of the People Act 1983;

(b) "Authority election" has the meaning given by section 203(1) of the Representation of the People Act 1983;

(c) the Inner Temple and the Middle Temple are to be treated as forming part of the City of London;

(d) "qualifying address" has the meaning given by section 9 of the Representation of the People Act 1983.

**61QC Meaning of "street area"**

(1) A "street area" means an area in England—

(a) which is of a prescribed description, and

(b) no part of which is within an excluded area.

(2) An "excluded area" means—

(a) a National Park or the Broads;

(b) an area comprising a world heritage property and its buffer zone as identified in accordance with the Operational Guidelines for the Implementation of the World Heritage Convention as published from time to time;

(c) an area notified as a site of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;

(d) an area designated as an area of outstanding natural beauty under section 82 of the Countryside and Rights of Way Act 2000;

(e) an area identified as green belt land, local green space or metropolitan open land in a development plan;

(f) a European site within the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

(g) such other areas as may be specified or described in regulations made by the Secretary of State.

(3) In this section, "a world heritage property" means a property appearing on the World Heritage List (published in accordance with Article 11 of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted on 16 November 1972).

**61QD Process for making street vote development orders**

(1) The Secretary of State must make regulations ("SVDO regulations") which make provision about the preparation and making of a street vote development order.

(2) SVDO regulations must, in particular, make provision—

(a) for the appointment by the Secretary of State of a person to—

(i) handle proposals made under section 61QA(1) ("street vote proposals") or specified aspects of those proposals,

(ii) carry out the independent examination of such proposals, and

(iii) to make street vote development orders on the Secretary of State's behalf,

(and for the above purposes the same or different persons may be appointed);

(b) as to the circumstances in which a street vote development order may be made and in particular must make provision requiring a referendum under section 61QE to be held before an order may be made.

(3) SVDO regulations may, in particular, include provision as to—

(a) the functions of a qualifying group in relation to a street vote proposal and how those functions are to be discharged (including provision for a member of the group or another prescribed person to be responsible for discharging them);

(b) the form and content of a street vote proposal;

(c) the information and documents (if any) which must accompany a street vote proposal;

(d) the circumstances and the way in which a proposal may be withdrawn;

(e) the steps that must be taken, and the conditions that must be met, before a proposal falls to be considered by an appointed person;

(f) the circumstances in which an appointed person may or must decline to consider or reject a proposal;

(g) the steps that must be taken, and the conditions that must be met, before a proposal falls to be independently examined;

(h) the functions of the independent examination in relation to the proposal;

(i) the circumstances in which an appointed person may terminate the independent examination (including provision as to the procedure for doing so);

(j) the procedure to be followed at an examination (including provision regarding the procedure to be followed at any hearing or inquiry or provision designating the hearing or inquiry as a statutory inquiry for the purposes of section 9 of the Tribunals and Inquiries Act 1992);

(k) the power to summons witnesses at any inquiry (including by applying, with or without modifications, section 250(3) and (4) of the Local Government Act 1972);

(l) the award of costs in connection with an examination;

(m) the steps to be taken following the independent examination (including provision for prescribed modifications to be made to the draft street vote development order);

(n) the payment by a local planning authority of remuneration and expenses relating to the examination;

(o) the functions of local planning authorities, or other authorities, in connection with street vote development orders (including provision regulating the arrangements of authorities for the discharge of those functions);

(p) cases where there are two or more local planning authorities any of whose area falls within the area of the street area that the proposal relates to (including provision modifying functions of the local planning authorities under the regulations in such cases or provision applying, with or without modifications, any provision of Part 6 of the Local Government Act 1972 in cases where the provision would not otherwise apply);

(q) requirements about the giving of notice and publicity;
(r) the information and documents that are to be made available to the public;
(s) consultation with and participation by the public or prescribed persons;
(t) the making and consideration of representations;
(u) the determination of the time by or at which anything must be done in connection with street vote development orders;
(v) the provision by any person of prescribed information or documents or prescribed descriptions of information or documents in connection with a street vote development order;
(w) the making of reasonable charges for anything done in connection with street vote development orders;
(x) when a court may entertain proceedings for questioning prescribed decisions to act or any other prescribed matter.

**61QE Referendums**

(1) SVDO regulations may make provision about referendums held in connection with street vote development orders and may, in particular, include provision—
(a) as to the circumstances in which an appointed person or the Secretary of State may direct relevant councils to carry out a referendum in relation to a street vote development order;
(b) the functions of such councils in relation to the referendum;
(c) dealing with any case where there are two or more relevant councils any of whose area falls within the area in which a referendum is to take place (including provision for only one council to carry out functions in relation to the referendum in such a case);
(d) prescribing a date by which the referendum must be held or before which it cannot be held;
(e) as to the question to be asked in the referendum and any explanatory material in relation to that question;
(f) as to voter eligibility for the referendum;
(g) as to the publicity to be given in connection with the referendum;
(h) as to the provision of prescribed information to voters in connection with the referendum (including information about any infrastructure levy or community infrastructure levy which is chargeable in respect of development under a street vote development order);
(i) about the limitation of expenditure in connection with the referendum;
(j) as to the conduct of the referendum;

(k) as to when, where and how voting in the referendum is to take place;

(l) as to how the votes cast are to be counted;

(m) about certification as to the number of persons voting in the referendum and as to the number of those persons voting in favour of a street vote development order;

(n) about the combination of polls at the referendum with polls at another referendum or at any election;

(o) as to the threshold of votes that must be met before a street vote development order may be made.

(2) For the purposes of making provision within subsection (1), SVDO regulations may apply or incorporate (with or without modifications) any provision made by or under any enactment relating to elections or referendums.

(3) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that provision.

(4) Before making provision within this section, the Secretary of State must consult the Electoral Commission.

(5) In this section "enactment" means an enactment, whenever passed or made.

**61QF Regulations: general provision**

SVDO regulations may—

(a) provide for exemptions (including exemptions which are subject to prescribed conditions);

(b) confer a function, including a function involving the exercise of a discretion, on any person.

**61QG Provision that may be made by a street vote development order**

(1) A street vote development order may make provision in relation to—

(a) all land in the street area specified in the order,

(b) any part of that land, or

(c) a site in that area specified in the order.

(2) A street vote development order may only provide for the granting of planning permission for any development that—

(a) is prescribed development or development of a prescribed description or class,

(b) is not excluded development, and

(c) satisfies any further prescribed conditions.

(3) A street vote development order may make different provision for different purposes.

**61QH Meaning of "excluded development"**

The following development is excluded development for the purposes of section 61QG(2)(b) —

(a) development of a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;

(b) Schedule 1 development as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);

(c) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);

(d) development of a listed building within the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990;

(e) development consisting of the winning and working of minerals;

(f) such other development as may be specified or described in regulations made by the Secretary of State.

**61QI Permission granted by street vote development orders**

(1) The granting of planning permission by a street vote development order is subject to—

(a) any prescribed conditions or limitations or conditions or limitations of a prescribed description, and

(b) such other conditions or limitations as may be specified in the order (but see subsections (4) and (5)).

(2) The conditions that may be specified include a condition that unless a relevant obligation is entered into—

(a) the development authorised by the planning permission or any description of such development must not be begun, or

(b) anything created in the course of the development authorised by the planning permission may not be occupied or used for any purpose.

(3) A relevant obligation for the purposes of subsection (2) includes an obligation which involves the payment of money or affects any estate or interest in, or rights over, land.

(4) But an order may only specify a condition that a person enter into an obligation under section 106 if the obligation—

(a) is necessary to make the development specified in the order acceptable in planning terms,

(b) is directly related to the development,

(c) is fairly and reasonably related in scale and kind to the development, and

(d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.

(5) The Secretary of State may by regulations provide that—

(a) conditions or limitations of a prescribed description may not be imposed under subsection (1)(b),

(b) conditions or limitations of a prescribed description may only be imposed under subsection (1)(b) in circumstances of a prescribed description, or

(c) no conditions or limitations may be imposed under subsection (1)(b) in circumstances of a prescribed description.

(6) A condition or limitation prescribed under subsection (1)(a) may confer a function on any person, including a function involving the exercise of a discretion.

(7) If—

(a) planning permission granted by a street vote development order for any development is withdrawn by the revocation of the order under section 61QJ, and

(b) the revocation is made after the development has begun but before it has been completed,

the development may, despite the withdrawal of the permission, be completed.

(8) But an order under section 61QJ revoking a street vote development order may provide that subsection (7) is not to apply in relation to development specified in the order under that section.

(9) In this section "relevant obligation" means—

(a) an obligation under section 106 (planning obligations), or

(b) an agreement under section 278 of the Highways Act 1980 (agreements as to execution of works).

**61QJ Revocation or modification of street vote development orders**

(1) The Secretary of State may by order revoke or modify a street vote development order.

(2) A local planning authority may, with the consent of the Secretary of State, by order revoke a street vote development order relating to a street area any part of which falls within the area of that authority.

(3) If a street vote development order is revoked, the person revoking the order must state the reasons for the revocation.

(4) An appointed person may at any time by order modify a street vote development order for the purpose of correcting errors.

(5) A modification of a street vote development order is to be done by replacing the order with a new one containing the modification.

(6) Regulations may make provision in connection with the revocation or modification of a street vote development order.

(7) The regulations may, in particular, include provision as to—

(a) the giving of notice and publicity in connection with a revocation or modification;

(b) the information and documents relating to a revocation or modification that are to be made available to the public;

(c) the making of reasonable charges for anything provided as a result of the regulations;

(d) consultation with and participation by the public in relation to a revocation or modification;

(e) the making and consideration of representations about a revocation or modification (including the time by which representations must be made).

**61QK Financial assistance in relation to street votes**

(1) The Secretary of State may do anything that the Secretary of State considers appropriate—

(a) for the purpose of publicising or promoting the making of street vote development orders and the benefits expected to arise from their making, or

(b) for the purpose of giving advice or assistance to anyone in relation to the making of street vote proposals or the doing of anything else for the purposes of, or in connection with, such proposals or street vote development orders.

(2) The things that the Secretary of State may do under this section include, in particular—

(a) the provision of financial assistance (or the making of arrangements for its provision) to any body or other person, and

(b) the making of agreements or other arrangements with any body or other person (under which payments may be made to the person).

(3) In this section—

(a) the reference to giving advice or assistance includes providing training or education;

(b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

**61QL Street votes: connected modifications**

The Secretary of State may by regulations make provision modifying the application of Schedule 7A (biodiversity gain in England) in relation to planning permission granted by a street vote development order.

**61QM Interpretation**

In sections 61QA to 61QL—

"an appointed person" means a person appointed in accordance with section 61QD(2)(a);

"excluded development" has the meaning given by section 61QH;

"qualifying group" has the meaning given by section 61QB;

"relevant council" has the meaning given by section 61QB(3);

"street area" has the meaning given by section 61QC;

"street vote development order" has the meaning given by section 61QA(2);

"street vote proposal" has the meaning given by section 61QD(2)(a)(i);

"SVDO regulations" has the meaning given by section 61QD(1)."

(3) Schedule 9 contains minor and consequential amendments in connection with this section.

**107 Street votes: community infrastructure levy**

(1) The Planning Act 2008 is amended as follows.

(2) In section 211(10) (amount of levy)—

(a) at the beginning insert "Except where subsection (11) applies,", and

(b) from ", 213" to the end substitute "to 213 and 214(1) and (2) apply in relation to a revision of a charging schedule as they apply in relation to a charging schedule."

(3) After section 211(10) insert—

"(11) Where the only provision made by a charging schedule or a revision of a charging schedule is provision for the purpose of determining the amount of CIL chargeable in respect of street vote development—

(a) sections 212 to 213 and 214(1) and (2) do not apply in relation to the charging schedule or the revision of the charging schedule, and

(b) CIL regulations may make provision about procedural requirements that must be met before the charging schedule or revision may take effect.

(12) "Street vote development" means development of land for which planning permission is granted by a street vote development order made under section 61QA of TCPA 1990."

(4) After section 212(11) (charging schedule: examination) insert—

"(12) For exceptions to this section see section 211(11)."

(5) After section 212A(7) (charging schedule: examiner's recommendations) insert—

"(8) For exceptions to this section see section 211(11)."

(6) After section 213(5) (charging schedule: approval) insert—

"(6) For exceptions to this section see section 211(11)."

(7) After section 214(6) (charging schedule: effect) insert—

"(7) For exceptions to subsections (1) and (2) of this section see section 211(11)."

(8) After section 214 (charging schedule: effect) insert—

**"214A Secretary of State: power to require review of certain charging schedules**

(1) This section applies where—

(a) a charging schedule makes provision for the purpose of determining the amount of CIL chargeable in respect of street vote development, and

(b) section 211(11) applied in relation to the charging schedule or the revision of the charging schedule in connection with making such provision.

(2) The Secretary of State may direct a charging authority to review the charging schedule if the Secretary of State considers that—

(a) the economic viability of street vote development in the charging authority's area is significantly impaired, or

(b) there is a substantial risk that it will become significantly impaired,

as a result of the CIL which is or will be chargeable in respect of street vote development in that area.

(3) If a charging authority is directed to review its charging schedule under subsection (2), it must—

(a) consider whether to revise the charging schedule under section 211(9), and

(b) notify the Secretary of State of its decision with reasons.

(4) If the charging authority decides to revise the charging schedule, it must do so within a reasonable time.

(5) If a charging authority has not complied with a direction given under subsection (2) within a reasonable time and to a standard which the Secretary of State considers adequate, the Secretary of State may appoint a person to do so on behalf of the charging authority.

# Appendix 12: Street Vote Development Order (Consultation)

Excerpts from closed consultation. Published 22nd December 2023

## Introduction

1. The government has secured new powers through the Levelling Up and Regeneration Act 2023 (the "Act") to introduce a new route to planning permission called street vote development orders and intends to bring forward secondary legislation to govern how they will operate.

2. Street vote development orders are an innovative new tool that will give residents the ability to propose development on their street and, subject to the proposal meeting certain requirements, vote on whether that development should be given planning permission.

3. Street vote development orders will provide residents with a new opportunity to take a proactive role in the planning process and bring forward the development they want to see on their streets. They will encourage residents to consider the potential for new development on their streets and are intended to

deliver additional or more spacious homes in places where they are needed most, while helping to reduce development pressure on sensitive areas.

## Why do we need street vote development orders?

4. Making better use of land in existing settlements will enable us to deliver more of the homes we need while at the same time making best use of existing infrastructure and bringing social and environmental benefits such as reducing development pressure on the green belt. The government wants to encourage some development on land in existing settlements, where this has the support of residents. Street vote development orders will support this ambition by giving residents a new tool they can use to bring forward additional development in their street.

5. Local residents can, understandably, be resistant to new development in their area if they have little say over what gets built and it doesn't reflect their preferences. The goal of street vote development orders is to encourage residents to bring forward proposals for new development that they would support, and which would make a contribution to their street. The system is intended to allow residents to share in the economic and other benefits of permitting appropriate kinds of new development.

6. This policy will provide the means for residents to work together and decide what development is acceptable to them, and to shape that development so that it fits with the character of their street. After a street vote development order has been made, it will mean homeowners can develop their properties with much greater confidence that their neighbours will be supportive of what they're doing, providing the development complies with the terms of the order.

7. The value of property may increase as a result of a street vote development order, so there is an incentive for homeowners to work with their neighbours to prepare one. There may also be benefits for those that don't own their property, including environmental improvements in their street and a greater choice of accommodation in the area.

## Our vision for street vote development orders

8. Our proposals are guided by three key principles:

- to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal;

- to make the system accessible and easy to use so local people can take up the opportunity that street vote development orders provide; and
- to create a robust system that enables residents to bring forward well designed development on their street that has local support, in particular, from those most directly affected by it.

## What makes street vote development orders different from other routes to planning permission?

9. Street vote development orders encourage local residents to come together and set out a coherent vision for additional development on their street. We anticipate that the policy will allow residents to propose and support development and street improvements that would otherwise not have happened, making better use of land in existing settlements.

10. Other routes to planning permission, such as household planning applications, and permitted development rights will continue to be available in areas where street vote development orders are being prepared or are in place. Communities will also continue to be able to prepare neighbourhood plans or neighbourhood development orders in their areas.

## How will street vote development orders work in practice?

11. A group of residents which meets certain requirements will be able to come together with a proposal for permission to be granted for development on their street, for example the addition of an extra storey to properties. The proposal can be put forward by the group of residents directly or with the assistance of an individual such as an architect.

12. The proposal will be examined by the Planning Inspectorate on behalf of the Secretary of State to check that the proposed development is in scope and that requirements prescribed in secondary legislation are met. These requirements will help ensure that development meets high design standards and that local impacts are taken into account.

13. If the proposal passes the examination, it is then put to a referendum. Where the required threshold of votes is met, subject to any final checks, the Planning Inspectorate will make the street vote development order on behalf of the Secretary of State. Once the street vote development order is made, granting planning permission, a person with control of the land can then decide whether they want to take forward development.

prescribed conditions and we are interested to hear views on what our proposed conditions should cover.

## Ensuring design quality

34. We propose that development proposed through a street vote development order must comply with detailed design requirements. Our proposed design requirements set out in the following table are informed by 6 design principles:

1. Supporting a gradual evolution in the character of neighbourhoods
2. Limiting impacts on neighbours
3. Preserving green space and increasing outdoor space (including balconies)
4. Celebrating heritage
5. Promoting active travel
6. Creating sociable neighbourhoods

35. We are interested in views on our proposed design principles and proposed design requirements and to hear any alternative suggestions.

| | **Requirements** |
|---|---|
| Floor limits | A double threshold would apply to floor limits, where the limit is picked as the lower of the storeys given by either the density of the Middle Super Output Area (MSOA)[footnote 1] any property on the street falls within, or any MSOA within 200m of any point on the street in question.<br><br>- in areas with fewer than 20 inhabitants per hectare, it is capped at 2 storeys<br>- in areas with between 20 and 60 inhabitants per hectare, it is capped at 3 storeys<br>- in areas with between 60 and 120 inhabitants per hectare it is capped at 4 storeys<br>- in areas with more than 120 inhabitants per hectare, it is capped at 5 storeys<br><br>In addition to these totals, a further storey may be added provided it is set back under a light plane (see "Limits on development near neighbouring properties") angled at 75 degrees from the horizontal, starting from the top of the highest permitted floor at the front of the building. All building over this light plane should be forbidden, excepting parapets, balustrades, dormers, chimneys and purely ornamental structures. |

| | Requirements |
|---|---|
| | In addition to these totals, residents in areas where four or five storeys are permitted may propose a second setback storey. All parts of a proposed second setback storey must also remain under a 32.5 degree light plane above the horizontal from the top of the previous floor at the front, again with the exception of parapets, balustrades, dormers, and purely ornamental structures.<br><br>In addition to these totals, residents may propose a basement within the permitted footprint, lit by excavated 'areas' and/or a lowered ground level on the garden side of the building, similar to standard practice in Georgian and Victorian terraces. Light wells must be at least 1.5m in width. MSOAs with fewer than 20 inhabitants per hectare should be excluded from this provision, given the lack of precedent for such forms in rural areas. Proposed basements must be appropriately assessed as part of Flood Risk Assessment and follow national policy on flood risk as set out in the National Planning Policy Framework.<br><br>The local authority has the discretion to designate areas where proposals for further floors are permitted, up to a limit of seven floors plus the two setback storey described above. |
| Limits on development near neighbouring properties | All buildings must be under 'light planes' (the angle of which is given below) starting from the property boundary of neighbours living on other streets.<br><br>The rule should run that the building must not be capable of being hit by a line from the boundary of a non-street vote property as follows:<br><br>- If on a plan view the line runs from the boundary in a direction to the north of due east or west, the line shall rise from the boundary upwards at 45 degrees; and<br>- If on a plan view the line runs from the boundary in a direction x degrees horizontally away from due south, where x is less than or equal to 90, the line shall rise upward from the boundary at an elevation of (35 plus (x/9)) degrees. The reason for this distinction is that buildings to the south of a given location affect the light that reaches it more than those to the north.<br><br>New buildings may exceed the rule only to occupy volume already occupied by existing buildings or approved in an existing permission at the time of the street vote. That is, if |

| | Requirements |
|---|---|
| | there is already a building on a site that passes these light planes, it can be replaced with a new building of up to the same height and breadth.<br><br>One half of a semi-detached house must not be developed unless the other half is also developed.<br><br>Between houses that are not attached to each other, each owner shall not build above an angled light plane stretching up at 70 degrees above the horizontal from the border with an adjacent neighbour. The only exception to this is where there is existing building over this light plane, in which case there can be no new building beyond the space in which building already exists or is approved through another planning permission. |
| Ceiling heights | The maximum ceiling height should be 3.5 metres. The ceiling height of the higher setback storeys should not exceed 3 metres. The minimum ceiling height should be 2.5 metres. Ceilings may exceed these limits only if and to the extent that the existing ceiling height prior to the street vote does so. A street vote may thus grant a building with a pre-vote first floor ceiling height of 4 metres with permission to build a new building on the site with a first floor ceiling height of up to 4 metres.<br><br>If a vote grants permission to add floors to existing buildings (rather than permission to replace buildings), the ceiling height of the added floors may not be greater than that of the highest existing floor.<br><br>If there are ten or more pre-1918 buildings that are within 100 metres of the street then the number of floors should be restricted to three storeys plus one set-back storey, except when at least half of the buildings on that stretch of street have more floors than this already, in which case it should be restricted to the existing total. This will prevent obtrusive development on infilled streets within historic areas. |
| Plot use limits | Permission granted by the proposal for building in the direction of another property not on the same street (down the back garden, for example), if any, should be limited to a maximum of 25% of the distance from the built footprint to the boundary of properties on other streets.<br><br>Development must not lead to a net loss of green space |

| | Requirements |
|---|---|
| | (including roof gardens) and any stretch of green space more than 50 metres along a street between one building and the next cannot be developed. |
| Corner properties | Corner properties can only receive permissions if both streets on which they sit are subject to a street vote development order. This includes properties facing on to 'chamfered corners'.<br><br>Corner properties on chamfered corners can only use the more restrictive of the two permissions that they are subject to with regards to floor heights and plot use.<br><br>Facades facing the street that passed a street vote development order first must comply with the design code in that order. Facades facing the second street may either (a) comply with the code of the second street; or (b) comply with special provisions in the order for the second street written for corner properties, providing for a more natural segue between the two streets. Corner houses may also of course (c) seek permission for an alternative design through the normal planning system. |
| Other regulations | To preserve an active facade for pedestrians, there may be no more than 15 metres between any two front doors. These must be real doors, though they may give access only to ground-floor flats.<br><br>Windows in the side walls are not permitted unless the windows are at least 2 metres from the plot boundary towards which they face.<br><br>Any additional dwellings resulting from development in the street area must be car free (i.e. there should be no provision for parking in the street area for these dwellings). |

36. Furthermore, we propose that qualifying groups must have regard to the National Model Design Code and National Design Guide, which we intend to update, to support the preparation of street design codes.

> **Question 18 – Do you agree with our proposed design principles? If not, please provide details.**

# Appendix 13: Suggested Draft Planning Conditions

1.The development hereby permitted shall begin not later than three years from the date of this decision.

2.The development hereby permitted shall be carried out in accordance with the following approved
Plans:
01 Existing Site Plan
02 Proposed Site Plan
06.1 Existing Ground Floor Plan
06.2 Existing First Floor Plan
06.3 Proposed Ground Floor Plan
06.4 Proposed First Floor Plan
06.5 Existing Elevations
06.6 Proposed Elevations
06.8 Proposed Section
Design and Access Statement
Design and Access Statement Photographic Appendix

3.The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and in line with the approved elevations drawing: 06.6 Proposed Elevations.