

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137798/FO/2023
Date registered valid: 19 September 2023
Proposal: Erection of a single storey rear extension to form store
Address: 448B Barlow Moor Road, Manchester, M21 0BQ
Ward(s): Chorlton Ward

Applicant: Mr Dorukhan Badalioglu
Agent (if any):
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 14 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 9 November 2023

Standard consultations:

Printed: 10 October 2023 Expired: 31 October 2023

Neighbour notifications

Printed: 10 October 2023 Expired: 31 October 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the rear of a mid-terraced, former office now in use as a café/restaurant (Class E).

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The commercial parade lies within Chorlton District Centre and is serviced by buses and a nearby Metrolink stop. The immediate area contains a mixture of uses including a public house, a dentist, opticians and solicitors, with Chorlton Cross shopping centre located on the opposite side of Barlow Moor Road. The surrounding streets (Warwick and Keppel Road) to the rear of the parade contain mostly either large semi-detached or terraced residential dwellinghouses.

Description of development

The applicant is seeking planning permission to erect a single storey rear extension to form a store.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Environmental Health – No objection, recommend condition requiring that any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location.

Highway Services – Commented that there was limited information submitted and raised the following comments/observations.

- o The property is located in a local centre and is considered suitably accessible by public transport via bus services on Barlow Moor Road.

- o Pedestrian access is via Barlow Moor Road. There is access to the rear of the property from a shared vehicular access point on Warwick Road.

- o Submitted information states a reduction in car parking to zero on-site car parking.

- o A high level of car parking was observed on Warwick Road and other nearby side roads, it is likely vehicles associated with visitors to the business will be contributing to the high level of on-street car parking in the area.

- o Verification is required to confirm that the proposed extension to the rear of the property will be on land that is under the applicant's ownership and that the applicant has a formal written agreement to guarantee rights of access over any land which falls outside of the site's red line.

- o There are no proposed boundary treatments.

- o No detail is provided regarding waste storage - this should be confirmed Environmental Health

Planning History

There has been a total of three planning application in relation to this site, of relevance to this application is a recent permission to approve alterations to front elevation to create a new door opening in the bay window under planning reference **133384/FO/2022**.

Issues

Policy

The following policy and guidance are considered relevant to the consideration of this application.

Core Strategy

The relevant Core Strategy Policies are SP1, C1 and DM1

National Planning Policy Framework

Principle – Policy C1 of the Core Strategy advises that District Centres should prioritise delivery of the key 'visitor' services, including retail, public and commercial services and food and drink and amongst other priorities promote the development of employment which provides opportunities for local people.

The principle of a single storey rear extension to form a store is considered to be acceptable as it will aid in supporting a café/restaurant use within Chorlton District Centre.

However, consideration should be given to the proposals siting, design and its impact upon visual amenity of the area and residential amenity of nearby occupants.

In addition, the rear of the premises has been used as a car park in the past and as commented by highway services a high level of car parking was observed on Warwick Road and other nearby side roads. Therefore, consideration should be given to any highway impacts of the proposal in particular car parking.

Siting, design and visual amenity – Located at the rear of the property near to the shared boundary with residential 2no.flats at 1 Warwick Road the extension as it stands albeit unfinished (photographs 1 and 2) is considered to relate poorly in terms of the design to the host building it is attached to and that the choice of materials (render to match and onduline roof sheeting) as detailed on the proposed drawing would further emphasise its incongruous design.

Image 1 has been provided to show how the property appeared prior to the erection of the single storey extension.

The extension therefore fails to enhance the character of the area and as such is contrary to policies DM1 and the NPPF.



Photograph 1 Partially built extension as observed during site visit by case officer.



Photograph 2 Partially built extension as observed during site visit by case officer.



Image 1 Image from Google Street View prior to the erection of the single storey store.

Car Parking - The proposal will also result in the loss of two car parking spaces, highway services have observed a high level of car parking on Warwick Road and other nearby side roads, it is likely vehicles associated with visitors to the business will be contributing to the high level of on-street car parking in the area. The case officer also observed during a visit to the site that there was a high level of on street car parking on Warwick Road, google street view images (image 2) shows that at times the car park at the rear of the property has been fully utilised with a number of cars parked in the rear. Therefore, the loss of two car parking spaces cannot be supported as it would likely result in vehicles associated with the use contributing to the high level of on-street car parking on Warwick Road and other nearby side roads to the detriment of the residential amenity, highway safety and convenience of other users of the highway. As such the proposal would be contrary to policies DM1 and C1 of the Core Strategy (2012)



Image 2 Imagen taken from Google Streetview from November 2020 showing car park at full capacity.

Other matters – No external plant is shown on the proposed drawings.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a

decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The loss of 2no. car parking spaces would likely result in vehicles associated with the use contributing to the high level of on-street car parking on Warwick Road and other nearby side roads to the detriment of the residential amenity, highway safety and convenience of other users of the highway. As such the proposal would be contrary to policies DM1 and C1 of the Core Strategy (2012)

2) The partially built extension, by reasons of its siting, design and external appearance forms an incongruous feature that relates poorly to the building it is attached to and that the choice of the final materials as detailed on the proposed drawing would further emphasise its incongruous design.

The extension therefore fails to enhance the character of the area and as such is contrary to policies DM1 and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

448C Barlow Moor Road, Manchester, M21 0BQ
Flat 2, 450A Barlow Moor Road, Manchester, M21 0BQ
Flat 1, 450A Barlow Moor Road, Manchester, M21 0BQ
448A Barlow Moor Road, Manchester, M21 0BQ
450A Barlow Moor Road, Manchester, M21 0BQ
3A Warwick Road, Manchester, M21 0AU
6 Warwick Road, Manchester, M21 0AU
3 Warwick Road, Manchester, M21 0AU
2 Warwick Road, Manchester, M21 0AU
1 Warwick Road, Manchester, M21 0AU
450 Barlow Moor Road, Manchester, M21 0BQ
1A Warwick Road, Manchester, M21 0AU
8 Warwick Road, Manchester, M21 0AU
448 Barlow Moor Road, Manchester, M21 0BQ
446 Barlow Moor Road, Manchester, M21 0BQ
4 Warwick Road, Manchester, M21 0AU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA