

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138467/FH/2023

Date registered valid: 15 December 2023

Proposal: Erection of pergola to rear following demolition of existing conservatory and external wall insulation to front and rear elevations.

Address: 3 Deanbank Avenue, Manchester, M19 2EZ

Ward(s): Burnage Ward

Applicant: Mr & Mrs Aidan & Amy Donovan & Squire

Agent (if any): Ms Jo Sharples, Editional Studio

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

Recommendation: Approve

Date of recommendation: **05 February 2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 05 January 2024

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 21 December 2023 Expired: 14 January 2024

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a mid-terraced three-storey C3 dwellinghouse of brown brick with a split pitched roof. The property features brick elevations with horizontal timber weatherboarding (painted white) which frames each of the window openings to the front and rear. The property also features a front porch canopy, front driveway, a centrally positioned full height chimney stack and a small rear garden.



Figure 1. Principal elevation.



Figure 2. Rear elevation.

Description of area

Deanbank Avenue is a residential cul-de-sac situated within the Burnage ward of Manchester, close to Stockport Road (A6), Fallowfield Cycling Loop and Beech House Bowling & Social Club. The surrounding area incorporates a variety of residential accommodation, including semi-detached properties, terraces, and the West Point Lodge housing development.

Description of development

The applicant is seeking permission for the erection of a pergola to rear following demolition of the existing conservatory and external wall insulation to the front and rear elevations.

Planning history

No previous planning history.

Consultations & Notification Responses

One letter of objection was received from one local resident in response to this application. Their concerns are summarised as follows:

- Objects to the proposed external wall insulation extending over the party wall boundary onto neighbouring properties.
- The proposed works would interfere with the planned renovations of neighbouring properties.

Policies

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

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

- Policy DC1: Residential Extensions

The Manchester Core Strategy - Development Plan Document (2012-2027). The 'Core Strategy' was adopted by the City Council on the 11th July 2012.

- Policy DM1: Development management
- Policy SP1: Spatial principles
- Policy EN4: Reducing CO2 emissions by enabling low and zero carbon development
- Policy EN1: Design Principles and Strategic Character Areas
- Policy EN19: Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 2: Achieving sustainable development
- Chapter 8: Promoting healthy and safe communities
- Chapter 12: Achieving well-designed places

Guide to Development in Manchester - Supplementary Planning Document and Planning Guidance (April, 2007)

- Chapter 4: Environmental standards

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

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

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

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

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Issues

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

Principle – the principle of erecting a pergola to the rear of the property together with the installation of external wall insulation (EWI) to its front and rear elevations is acceptable given that many individuals prefer to extend and alter their homes to meet changing household needs rather than move. The principle of the proposal therefore accords with policy DC1 of the UDP; however, consideration must be given to the development's siting, scale and massing, appearance, and impact upon visual amenity, residential amenity, waste storage, and parking.

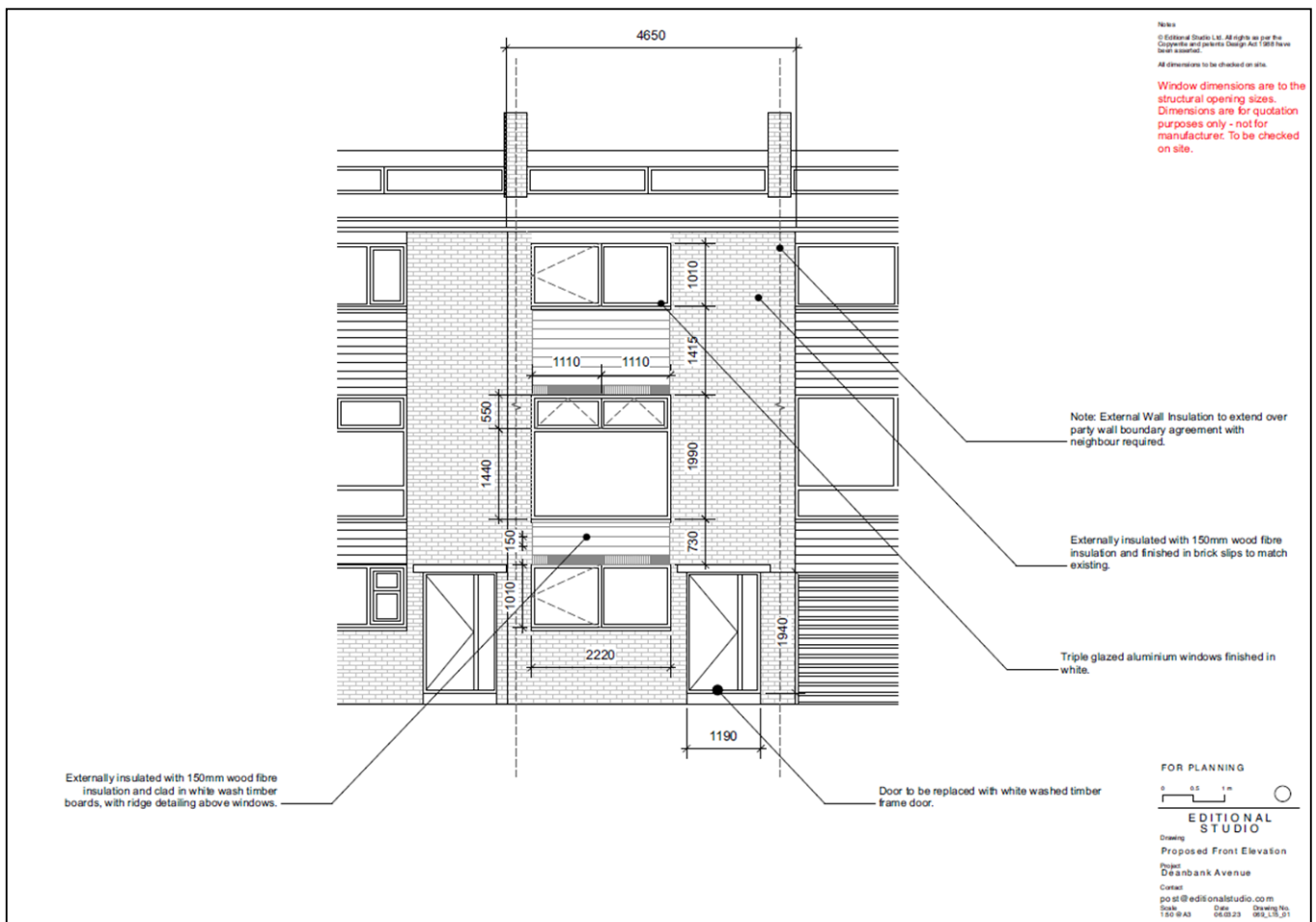


Figure 3. Submitted proposed front elevation.

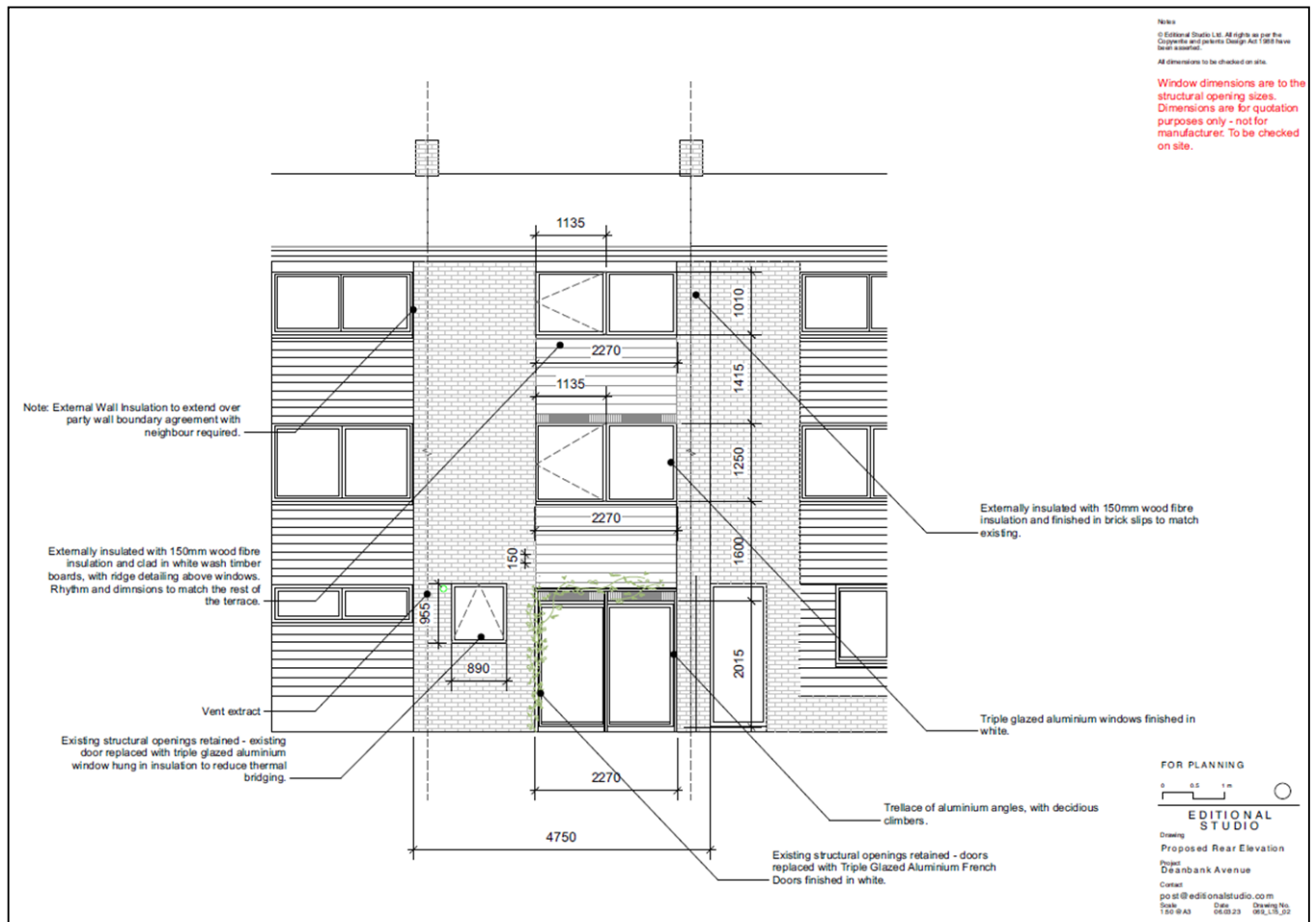


Figure 4. Submitted proposed rear elevation.

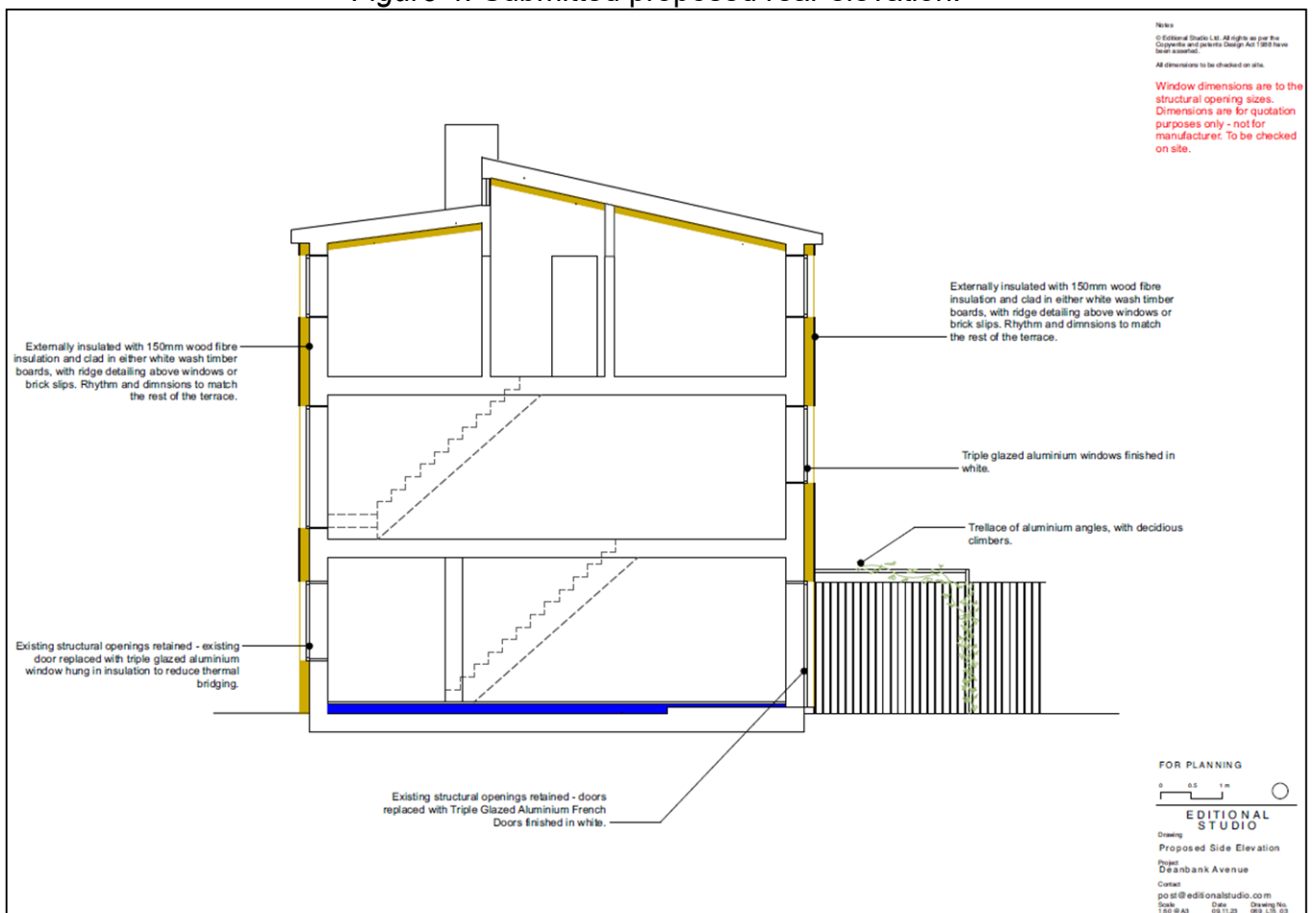


Figure 5. Submitted proposed section.

Siting, scale, and massing – the pergola would be sited at the back of the property, replacing the existing conservatory extension, facing east. It would project 2.5m rearwards from the host dwellinghouse, with a width of 2.27m, and height of 2.318m. A gap of 0.222m would be maintained to the boundary shared with No.1 Deanbank Avenue, and a gap of 1.73m would be maintained to the boundary shared with No.5 Deanbank Avenue.

The EWI would be installed on both the front and rear elevations of the property, projecting 0.15m from the host dwellinghouse, covering the entirety of each face.

The 2.5m rearward projection (of the rear pergola) does not exceed the limit stipulated within policy DC1 of the UDP (of 3.65m) and is therefore considered acceptable. Moreover, both developments are understood as being subservient to the host dwellinghouse in terms of their dimensions and would not result in ‘excessively large or bulky’ additions to the property.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy.

Appearance and visual amenity – the pergola would be a simple construction of white aluminium trellis angles with deciduous climbers.

The EWI would consist of 150mm wood fibre insulation clad in white wash timber boards, (with ridge details above the property’s window openings and rhythm and dimensions to match the surrounding terraced properties) and brick slips to match the existing.

The proposal is relatively standard in terms of its design and scale for developments of this type and would be in-keeping with the existing precedent of residential extensions in this locale. Sited at the rear of the property, the pergola would not be visible within the street scene or public realm and, as such, should have a minimal impact upon the visual amenity of the area. Moreover, though the EWI would be visible, its use of matching materials should provide a blended appearance with the host dwellinghouse, thus ensuring that it does not form a prominent visual feature. Hence, the overall character of the property and its surrounding area should not be significantly harmed by these works.

The design and appearance of the proposed developments therefore accords with Core Strategy policies DM1 and SP1 as well as chapter 12 of the NPPF as their impact upon visual amenity is considered to be minor.

Residential amenity – given that the pergola would be a permeable construction, measuring to 2.318m in height, it is considered that the proposal should not cause issues associated with overshadowing, loss of light, loss of outlook, or loss of privacy, nor should it introduce an overbearing presence into the area.

The EWI would offer a significant improvement to the occupiers of the property, in terms of thermal insulation, financial savings and improved health and wellbeing and is not considered to have a detrimental impact upon the residential amenity of neighbouring occupiers.

The proposal therefore accords with policies SP1 and DM1 of the Core Strategy.

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

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

Other matters – the EWI would extend slightly onto the neighbouring properties of No.1 and No.5 Deanbank Avenue.

On their application form, the applicant indicated that they had given the requisite notice to the relevant landowners, notifying them of the proposed works.

It is acknowledged that an objection was received in relation to the proposed EWI extending over the party wall boundaries, however it should be noted that concerns or issues that may arise in association with the proposed works to the party wall would be regarded as civil legal matters between the parties that should be dealt with under separate legislation (e.g., the Party Wall Act, 1996) and would not represent material considerations of Manchester City Council Planning.

The proposal also includes a number of elevational alterations. These are listed below:

- Front elevation: all window openings brought forward (in line with EWI) and replaced with triple glazed aluminium windows, finished in white. Front door also replaced with an inward-opening, white washed timber frame door.
- Rear elevation: all window openings brought forward (in line with EWI) and replaced with triple glazed aluminium windows, finished in white. Existing rear door replaced with one window. Conservatory demolished and triple glazed aluminium French doors installed, finished in white.

These alterations are considered acceptable given their minimal impact upon visual and residential amenity.

Conclusion – given the above issues, it is considered that the proposal is acceptable in terms of its principle, appearance, and impact upon existing levels of visual and residential amenity as it broadly complies with policy DC1 of the UDP, policies SP1, DM1 and EN4 of the Core Strategy, chapters 2, 8 and 12 of the NPPF and chapter 4 of the Guide to Development in Manchester.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan

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

1) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents:

-Application form titled 'Householder Application for Planning Permission for works or extension to a dwelling', numbered 'PP-12570939', stamped as received by the City Council as Local Planning Authority on the 15th December 2023.

-‘Proposed Ground Floor Plan’, numbered ‘069_L12_01’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed First Floor Plan’, numbered ‘069_L12_02’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Second Floor Plan’, numbered ‘069_L12_03’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Roof Plan’, numbered ‘069_L12_04’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Front Elevation’, numbered ‘069_L15_01’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Rear Elevation’, numbered ‘069_L15_02’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Side Elevation’, numbered ‘069_L15_03’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.
-‘Proposed Side Elevation’, numbered ‘069_L15_04’, stamped as received by the City Council as Local Planning Authority on the 9th November 2023.

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

3) The materials to be used on the external surfaces of the developments hereby permitted shall match those specified on the submitted application form and approved plans.

Reason - To ensure the appearance of the building to be developed is not adversely affected by the materials to be used in the construction of the developments, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

5 Deanbank Avenue, Manchester, M19 2EZ
4 Deanbank Avenue, Manchester, M19 2EZ
2 Deanbank Avenue, Manchester, M19 2EZ
1 Deanbank Avenue, Manchester, M19 2EZ
2 Grange Avenue, Manchester, M19 2GD
6 Deanbank Avenue, Manchester, M19 2EZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: SOUTH AREA