

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136293/FH/2023
Date registered valid: 24 May 2023
Proposal: Erection of front porch and retention of rear canopy
Address: 161 Butler Street, Manchester, M4 7JD
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Miss Shuai Li
Agent (if any): Mr Gooding LDM Group
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 12 July 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 June 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 May 2023 Expired: 15 June 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to 161 Butler Street within the Miles Platting & Newton Heath ward of north Manchester. The application site relates to a terraced, white rendered, two storey dwellinghouse with a single storey red brick pillar which offers separation from the terraced row. Amenity space to the front of the property consists of a paved space with soft landscaping and amenity space to the rear is characterised by an extensive rear patio, measuring 77 square metres, with further soft landscaping. At the time of the site visit, the rear canopy had been erected.

Description of development

The submitted application seeks planning permission for erection of front porch and retention of rear canopy.

The front porch would have approximate dimensions of Height: 2.4 x Length: 1.6 x Width: 1.8 metres and have a flat roof. It would involve the insertion of a window within the side elevation and a door within the front elevation.

The rear canopy has approximate dimensions, at the largest point, of Height: 3 x Length: 5 x Width: 5 metres.

All the materials to be used for the front porch would match that of the host property and the rear canopy is made of timber wood for the frame, and the roof is made of corrugated plastic sheets, nailed to the timber.

Planning history

134828/FH/2022- Erection of a single storey front extension to form additional living accommodation and retention of rear canopy.
Withdrawn 6 December 2022.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions

should promote public safety and take into account wider security and defence requirements.

ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

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

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of Development

The submitted development application is for the erection of front porch and retention of rear canopy. This is considered acceptable in principle as many people prefer to alter or extend homes, rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the

area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual/ Residential Amenity

Front porch:

The front porch would sit within the area at the front of the property which is bounded by a brick pillar to the side elevations of the property. As such, the front porch would not be visible to either of the immediate neighbours and as such no adverse implications would occur. The window to be inserted in the side elevation would look onto one of the brick pillars and so would not cause any overlooking to no.163 Butler Street.

The front porch would be visible from the streetscene and although the front porch would alter the appearance of the primary elevation at the property, this would be sympathetic to other front porch extensions in the immediate area, including no.155 Butler Street. As such, the structure would not give rise to any adverse implications in terms of visual amenity.

Retention of rear canopy:

The canopy was in situ and is to be retained. Although the canopy measures 5 metres in length and covers a fair amount of space in the rear garden, the property benefits from an extensive rear garden (measuring 77 square metres) and so a 50 square metre distance would be retained in the rear garden. As such, the impact to the immediate neighbours is not considered to be severe. Furthermore, as the materials used are light weight and is only a canopy, it would not create an overbearing feature, nor continuous built form against the boundary.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

Front porch:

The front porch could have met the requirements for Permitted Development. As this is the fallback position, the front porch is considered acceptable in terms of design and appearance. Further, the front porch is small in size, covering a small section of the width of the host property. The porch reflects similar developments in the immediate area and therefore this element of the proposal is considered acceptable in size and form.

Retention of rear canopy:

The rear canopy would have a length of 5 metres and thus exceed the maximum amount allowed through Permitted Development rights- 3 metres in the case of a terraced property. It would also exceed the maximum projection specified under Policy DC1.3 of the UDP. However, given the spacious plot of the rear amenity space and since the structure is open in nature, the 5 metre projection is considered acceptable. The canopy would be considerably less impactful than a 5 metre extension and, in this case, this element of the proposal is considered acceptable.

Materials:

The materials to be used for the front porch would match the host property and as such would be sympathetic in design. The rear canopy is made of timber wood for the frame, and the roof is made of corrugated plastic sheets, nailed to the timber. Given the location of the canopy and

the light weight material, the materials are considered acceptable. As such, the materials would be conditioned within the decision notice accordingly.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1 and in general the design is considered acceptable.

Car Parking

Car parking provision would be unaffected by the proposal.

Bin Storage

Bin storage arrangements would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions have been attached to the approval granted.

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 this permission.

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

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

-Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 13 February 2023.

-Drawing- Proposed- Setout Plans, numbered A241 H, stamped as received by the City Council as Local Planning Authority on 3 May 2023.

-Drawing- Site Plan- Proposed, numbered A121 H, stamped as received by the City Council as Local Planning Authority on 3 May 2023.

-Application Form, stamped as received by the City Council as Local Planning Authority on 24 May 2023.

-Drawing- Proposed- Setout Elevations, numbered A341 I, stamped as received by the City Council as Local Planning Authority on 7 July 2023.

-Drawing- Proposed- 3D Views, numbered A521 I, stamped as received by the City Council as Local Planning Authority on 7 July 2023.

-Correspondence- Confirmation of Canopy Materials, stamped as received by the City Council as Local Planning Authority on 12 July 2023.

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

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and within the Correspondence specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

165 Butler Street, Manchester, M4 7JD
163 Butler Street, Manchester, M4 7JD
159 Butler Street, Manchester, M4 7JD

Appendix 2 – Planning constraints

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