

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137510/FH/2023

Date registered valid: 15 August 2023

Proposal: Proposed rebuilding of raised deck, to include single storey outbuilding.

Address: 20 Wellington Road, Whalley Range, Manchester, M16 8EX

Ward(s): Whalley Range Ward

Applicant: Mr Oliver Rhodes

Agent (if any):

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 September 2023

Standard consultations:

Printed: 16 August 2023 Expired: 6 September 2023

Neighbour notifications

Printed: 17 August 2023 Expired: 7 September 2023

Site notice

Posted: Expired:

Press advert

Published: 22 August 2023 Expired: 5 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order:

The application relates to a two-storey semi-detached C3 dwellinghouse. of white brick with a gabled roof and bay windows. The property has an raised decked area. The plot includes front garden/driveway and long rear garden, both bound by hedging.

Description of area

Wellington Road is a residential street that lies within the Whalley Range Conservation Area. It is characterised by a mixture of detached and semi-detached family dwellinghouses of varying ages as well as several Victorian villas converted into flats. The area benefits from its proximity to Alexandra Park and the shops, services and bus routes along Withington Road.

Description of development

The applicant is seeking permission to rebuilding of raised deck, to include single storey outbuilding.

Site History

070570/FO/2004/S1 Change of use from dwellinghouse into 3 self-contained flats, elevational alterations and creation of 2 parking spaces in front garden with retrospective excavation of front garden. Approve.

069552/FU/2003/S1 Change of use from dwelling house into four self-contained flats with associated car parking including alterations to the elevations. Withdrawn.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received.

The application was advertised in the local press and a site notice was erected close, as the proposal lies within the Whalley Range Conservation Area 1992: no representations were received.

The Whalley Range Area Group were consulted and no representations were received.

Whalley Range Forum were consulted and no representations were received.

Issues

NPPF

Section 72 of the Listed Building Act - Provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in planning policies for England and how these are expected to be applied.

The Framework has been related to the proposed development, with particular emphasis given to the following: National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Chapter 16: Conserving and enhancing the historic environment - Paragraphs 189 through 208 relate to Conserving and Enhancing the Historic Environment.

Paragraph 189 states these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 refers to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 190 and 191 says that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is acknowledged within the NPPF which is set out above, that when development needs to take place within areas of special control such as conservation areas, it needs to be ensured that the development makes positive contribution to conserve heritage assets and in turn can make a positive contribution to sustainable communities including their economic vitality.

The impact of the development to extend a dwelling house has been considered with due regards to Paragraphs 197 and 199 to 204. Paragraph 197 refers to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In this case, it is considered that the development suitably reflects the composition of the existing house to thereby maintain its relationship to the surrounding conservation area. It is therefore considered that the proposed alterations do not cause harm to the character of the dwelling house or the conservation area.

Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126). Paragraph 130 further states that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area over the lifetime of the development.
- b) Are visually attractive as a result of good architecture, layout and landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed development has been appropriately relates to the existing house and It is not considered that the development would impact upon neighbouring houses due to their position and appearance.. It is considered that the quality of design has been appropriately related to the existing house and conservation area to thereby accord with chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG:

i. Consultation and pre-decision- Good quality design is considered to be an integral part of sustainable development; iii. Health and well-being.

ii. In this case, appropriate neighbour and statutory consultation had been undertaken. The design is satisfactorily related to the original house. The proposed extension would not unduly harm residential amenity.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces

significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, Heritage - Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, Development Management - This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o 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.
- o 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.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies - Policy DC18 is considered of relevance in this instance:

Policy DC18, Conservation Areas - Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.

- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Principle of the Proposal

The principle of the development is considered acceptable. Notwithstanding this, consideration must be given to the potential impact upon existing levels of residential and visual amenity enjoyed within the vicinity of the site and the character of the Whalley Range Conservation Area.

Design

The decked area to the rear has been in situ for a number of years and has been used as a storage area. The new structure is considered to be diminutive and rationalises the existing structure by enclosing the storage area below. Currently, at ground floor level at the rear of the property, render has been applied to the surface of the brick. The intention is to continue the render to the external elevation of the infill. This approach is considered to be acceptable as the render already appears on the surface of the building at ground floor level and would only be present over a small area of the rear elevation of the host building. Furthermore, a composite access door would be introduced on the rear elevation facing the garden. Given, the status of the dwellinghouse within a conservation area a preference would be to introduce a wooden door. However, the host building has numerous types of windows that deviate from the original window types and materials. Therefore, in this instance a composite door is considered to be acceptable.

Residential and Visual Amenity

The proposed decking and infill extension would not have a detrimental impact upon the levels of residential and visual amenity currently enjoyed within the vicinity of the site. The development will not impact upon existing levels of privacy and would not increase the level of overlooking that already exists. The principle of a decked area has already been set and a solid boundary treatment remains defining the boundary demarking the common boundary. Furthermore, the fence and a mature hedge continues along the boundary between the neighbouring property which removes any potential of overlooking as a result of the raised decked area. Therefore, the proposal is acceptable.

Impact on the Whalley Range Conservation Area

The level of intervention and the positioning and appearance of the decking and infill extension, it is considered that the character of the Whalley Range Conservation Area would not be affected.

On balance, it is believed that the proposal would not detract from the character of the Whalley Range Conservation Area which is considered to accord with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

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

Positive and proactive working 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. The application has been determined in a timely manner and in accordance with the policies within 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 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:

The Location and Site Plan, The Plans titled, 'The Proposed Ground Floor, Proposed First Floor, Side Elevation facing 22 Wellington Road and Side Elevation non-attached side and the

Site Levels for Flood Assessment', and the Flood Risk Statement, stamped as received in the 15 August 2023.

Reason - To ensure that 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 throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form 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.

4) For the avoidance of doubt, the permission hereby granted allows the ground floor outbuilding to be used for storage purposes only, ancillary to the dwelling house.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.4)

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
Whalley Range Conservation Area Group
Whalley Range Forum

Flat 20, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 18, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 15, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 2, Govind Ruia Court, 16 - 18 Wellington Road, Whalley Range, Manchester, M16 8EX
29 Mayfield Road, Manchester, M16 8FU
21 Mayfield Road, Manchester, M16 8FU
Flat 3, 25 Mayfield Road, Manchester, M16 8FU
Flat 2, 25 Mayfield Road, Manchester, M16 8FU
Flat 1, 25 Mayfield Road, Manchester, M16 8FU
16B Alness Road, Manchester, M16 8FX
16A Alness Road, Manchester, M16 8FX
Flat 25, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 24, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 23, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 22, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 21, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 19, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 17, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
Flat 16, Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX
22 Wellington Road, Whalley Range, Manchester, M16 8EX
27 Mayfield Road, Manchester, M16 8FU
23 Mayfield Road, Manchester, M16 8FU
18A Wellington Road, Whalley Range, Manchester, M16 8EX

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
Conservation Area - Whalley Range Conservation Area 1992
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA