

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136502/FH/2023
Date registered valid: 5 April 2023
Proposal: Erection of a single storey rear extension following demolition of existing conservatory
Address: 109 Dudley Road, Manchester, M16 8BW
Ward(s): Whalley Range Ward

Applicant: Mr Harrison Leaf
Agent (if any): Mrs Teresa Montero, Mona Architecture
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 18.07.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 25 April

Standard consultations:

Printed: 18 April 2023 Expired: 9 May 2023

Neighbour notifications

Printed: 19 June 2023 Expired: 3 July 2023

Site notice

Posted: 25 April 2023 Expired: 16 May 2023

Press advert

Published: 25 April 2023 Expired: 16 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

Description of Site/Area

The application site relates to a semi detached brick built property situated at the corner of Dudley Road and Hazel Avenue. The property is finished in a dark grey render to the first floor and benefits from a grassed front garden area and rear amenity space. The property is located within the Whalley Range Conservation Area and as such a site notice was displayed alongside advertisement of the proposal.

The remaining area is residential in nature with houses of similar style and size.

Description of development

The application seeks planning permission for the erection of a single storey rear extension following demolition of existing conservatory. Following negotiation with the agent the planning application has been revised since the original submission.

Consultations & Notification Responses

Local residents were notified, and one response was received in relation to the original proposal which is summarised below:

Fencing - The street scene on Dudley Road, and within the Conservation Area generally, is characterised predominantly by stone and brick boundary walls and hedges. Where timber fencing exists on road frontages, it generally dates from a significant number of years ago or is much more limited in scale and in a less prominent position. In this case the fencing, at the front of the property in particular, appears as a very stark, incongruous and visually intrusive feature within the otherwise verdant street scene, unlike any other development in the Conservation Area in recent times. If greater privacy is needed in the front garden, this should be provided by hedges in keeping with other properties in the Conservation Area.

In relation to this, in 2020, the occupier of 96 College Road (on the corner of Dudley Road) applied for planning permission for works to the boundary on the Dudley Road frontage of his property (application 127589/FH/20). The application originally proposed a timber fence infilling a gap in the stone wall. The approved plans for that application do not appear to be on the Council's website but it is clear from the officer's report that the plans were amended to omit the proposed timber fence because this was considered to be out of keeping with the Conservation Area. In that case, the fencing would have had significantly less impact than the fencing at 109 Dudley Road, being only an infill of a relatively small section of the boundary wall. The Council needs to be consistent in its assessment of these proposals and the fact that the fencing has already been installed should make no difference to this.

2. Rear extension - We have no objection in principle to a small single storey extension. However, the property is in a prominent position on a corner plot with the rear elevation very prominent from Hazel Avenue. In this context, the proposed flat roof design would not be in keeping with the character of the existing property or neighbouring properties. It would be more appropriate to retain the existing outrigger and extend this with a pitched roof extension to match. Whilst the D and A Statement suggests that the flat roof extensions approved at 104 and 108 Dudley Road set a precedent, these are not comparable as they are not corner plots and therefore the extensions have no significant impact in the street scene. If the outrigger is to be removed, then the extension should be set in slightly from the main side wall of the property to ensure it appears subservient and avoid any unsightly join between old and new brickwork. As currently proposed, the extension would have a detrimental impact on the character and appearance of the area.

3. Raised terrace - The raised terrace at the rear of the property is significantly higher than the existing ground level and will introduce views towards neighbouring properties including our own. It will also remove privacy from the rear garden of the application property and / or necessitate very high boundary treatment. This will have further knock on effects, resulting in the need to use the front garden as private amenity space and the perceived need for fencing around the front of the property. It would be more appropriate to reduce the height of the terrace and include some small steps down to this area.

Conclusion - There is a legal duty on the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. We request the Council to ensure that any development permitted through this application does preserve or enhance the character and appearance of the Conservation Area.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality 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 make development acceptable to communities.

Chapter 16: Conserving and enhancing the historic environment-

States that heritage assets range from sites and buildings of local historic value to those of the highest significance, such

as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. 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 197- 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.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

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.

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

- a) rearward extensions greater than 3.65m (12ft) 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

DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

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 street trees);
- iv) the effect of signs and advertisements;
- v) 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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- 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.

Policy EN3 (Heritage); states that 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.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how: -Both construction and demolition waste will be minimised and recycled on site wherever possible; -The sustainable waste management needs of the end user will be met.

Issues

Principle

The proposed development is for the erection of a single storey rear extension, this is considered acceptable in principle as many people prefer to extend their homes rather than move in order 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. This property will remain a single family dwellinghouse and as such no additional waste or car parking pressures will result from this application.

Residential and Visual Amenity

The proposed single storey rear extension would have approx. dimensions of Height 3.7m x Width 7.1m x Depth 1.3m. The extension would run alongside the shared boundary with no. 107 Dudley Road.

It is deemed given the single storey nature of the development and the small scale depth of the proposal complying with saved UDP Policy DC1.3, that the extension would not form an overbearing feature along the boundary. Further, given the orientation of the properties and the surrounding built form along the boundaries it is not expected to cause significant overshadowing or loss of light implications to the amenity space of neighbouring properties.

No windows are proposed along the side facing elevations with the rear bi-folding doors situated approx. 4.6metres away from the rear boundary and therefore mitigating against loss of privacy impacts for neighbouring properties. The proposed fenestration elements are in keeping with the existing fenestration in the property in terms of visual amenity and appear to be acceptable to the character of the property.

The proposal will have an acceptable impact on visual amenity. It is designed to be subservient to the main dwelling and is of relatively modest scale which does not amount to an overdevelopment when seen in the local context. The extension would become partially visible from Havel Avenue's streetscene however it is designed to form a seamless relationship with the original dwelling. This will be achieved by completing the development with brickwork to match the existing ground floor.

The applicant proposes to create a raised terrace area which would project off the rear extension measuring a total of 4.3 metres with the addition of the stairs leading to the terraced area. Revised drawings were sent on the 16 June 2023 with the proposed boundary treatment matching the height of the adjacent boundary treatment along no.107 Dudley Road's curtilage measuring approx. 1.95metres above ground level. Given the boundary treatment, it is not anticipated that there would be any significant overlooking or loss of privacy resulting from the raised patio.

On balance, the extension is considered comparable in terms of size and its position to others found in the immediate area and would not provide a domineering and harmful outlook on the occupiers of the neighbouring properties. Therefore, it is felt that the proposal can be acceptably accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area.

Overall, it is considered that the proposed development would not provide a significant impact upon the residential amenity of the adjoining occupiers and surrounding properties in the area and therefore is considered accords with Core Strategy Policy DM1 and SP1 and saved policy DC1 of the UDP.

Design and Appearance

It is not considered that the proposed development would unduly harm the character of the building or the general area. The roof profile constitutes a flat roof that will add a contemporary feel to the proposal and the extension's footprint is not considered to create a bulky or disproportionate scale addition to the property. It is acknowledged that the proposal would be partially visible from the streetscene however given the small scale nature and the distance to the public highway it is not considered to form an incongruous feature and the design is considered acceptable.

The design of the proposal would be in keeping with the existing and surrounding properties in the area and in terms of proposed materials it is intended to brick, aluminium doors, and single ply flat roof.

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.

Impact on the Whalley Range Conservation Area

The proposal is considered to provide less than substantial harm that is outweighed by the benefits of the scheme.

The proposal would be located in a suitable position and would not interfere with the existing characteristics of the conservation area. Material choice would be an acceptable selection for the conservation area.

On balance, it is believed that the proposal would enhance the character of the Conservation Area which is considered accords with Core Strategy Policy EN3 and saved Unitary Development Plan DC18.

Object Comments

It should be noted that one objection was received during the original scheme, amendments were made with re-consultation occurring and no further responses were noted. The one objection letter centred around three key issues. The first being; the proposed rear extension and raised terraced area have been discussed in the sections above. Further, the last issue stated in the objection letter regards the fencing. However, after consideration the City Council deems the fencing implemented at the application site as permitted development and therefore complies with the General Permitted Development Order and does not form part of these application proposals.

Waste management

The storage of bins are not affected by this proposal as adequate space is still retained to the rear. Therefore the bins would be screened from within the street scene which accords with policy EN19 of the Core Strategy.

Parking

Current parking arrangements are unaffected by this proposal.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, allowing the occupiers to adapt their home to meet their needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise.

For the above reasons, the proposal is unlikely to have any detrimental impact and therefore accords with saved UDP policies DC1 and DC18 and policies SP1, EN3 and DM1 of the Core Strategy.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the application.

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 drawings and documents: Local plan and drawings numbers:

Drawing: Ground Floor Plan ref. PL013

Drawing: Side Elevations ref. PL017

Stamped as received by the City Council as Local Planning Authority on 16 June 2023

Drawing: Elevations ref. PL014(3)

Stamped as received by the City Council as Local Planning Authority on 18 July 2023

Drawing: Location Plan

Document: Application Form

Stamped as received by the City Council as Local Planning Authority on 17 March 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 (2012).

- 3) The materials to be used on the external surfaces of the extension hereby permitted shall be implemented in accordance with the approved details set out in the documents and drawings as specified in Condition 2 of this approval.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, 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.

Appendix 1 – List of consultees & neighbours notified

Whalley Range Conservation Area Group
Whalley Range Forum

1 Hazel Avenue, Manchester, M16 8DY
2 Hazel Avenue, Manchester, M16 8DY
115 Dudley Road, Manchester, M16 8BW
107 Dudley Road, Manchester, M16 8BW

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA