

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136970/FO/2023

Date registered valid: 14 August 2023

Proposal: Erection of a single storey retractable glazed front extension with retractable roof together with installation of retractable awning to the side

Address: 241 Barlow Moor Road, Manchester, M21 7QL

Ward(s): Chorlton Park Ward

Applicant: Mr Salar Henareh

Agent (if any): Miss Merve Tay Merve Tay Architectural Design

Case officer: Robert Tyrer
Tel: 0161 234 4068
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Recommendation: REFUSE

Date of recommendation: 05 October 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 23 August 2023

Standard consultations:

Printed: 18 August 2023 Expired: 8 September 2023

Neighbour notifications

Printed: 18 August 2023 Expired: 8 September 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



Photograph 1 Application site as viewed from Barlow Moor Road showing both the front and side elevations

The site is located at the end of a small parade of 3no. commercial units with residential accommodation above on the corner of Barlow Moor Road and Aldermay Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The surrounding area is predominantly residential in nature, characterised by two storey semi-detached dwellinghouses, although there are some retail and commercial premises situated to the north on the same side of Barlow Moor Road. The Southern Cemetery is positioned on the opposite side of Barlow Moor Road to the north.

Description of development

The applicant is applying for planning permission to erect a single storey retractable glazed front extension with retractable roof together with installation of retractable awning to the side.

Consultations & Notification Responses

Notification letters were sent to the properties and addresses listed in appendix 1.

Local Residents/Public Opinion – A total of 4 representations were received objecting to the proposal, a summary of the issues raised are as follows:

- Raised concerns with the additional footfall and traffic in what is a residential area;
- Questioned whether use required planning permission;
- There are double yellow lines at the front and side of the building and are concerned that as there is limited on street parking that would result customers for 241 Barlow Moor Road parking their vehicles in front of residential properties.
- Concerns over the intended use of the property
- Applied for a licence to serve alcohol and play music until 11pm and worried this would lead to an increase in crime and disorder in the area. It would also increase noise and disturbance for the existing residents.
- Front extension is not in keeping with the character and appearance of the area.
- Questioned where the bins will be stored and collected on site.
- Existing residents working from home have already been disturbed by the renovation works and are concerned that this will get worse once the works are completed.

Ward Councillors – A representation was received on behalf of all Ward Councillors from Councillor Mandie Godwin. The councillors object to the proposal and are concerned with the impact

Environmental Health – No objection – Request conditions relating to acoustic insulating the property and a condition requiring that a schedule of days and hours are submitted to and agreed in writing for the outdoor seating area.

Highway Services – Neither object nor support the application – The proposals do not appear to encroach on to or overhang the adopted footway. Requested that the applicant, however must

ensure that the proposed 25cm slab shown on submitted plans is located within the private site curtilage.

Highlighted that the proposed plans show that the scheme would remove an existing vehicle access point from Aldermay Road and 2no. on-site parking bays.

Highways request further information/justification on the removal of the 2no. parking spaces which were approved as part of the previous application.

Highways request that the existing dropped-kerb access from Aldermay Road is subject to full footway reinstatement (to be funded by the applicant) in order to improve pedestrian amenity in the vicinity of the site.

Issues

National Planning Policy Framework (NPPF) -The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role. The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Sections 4, 11 and 12 are considered relevant to the consideration of this application.

National Planning Policy Guidance (March 2014) - The Government produced a suite of documents to act as a live resource which set out advice and best practice on a wide range of planning issues following a detailed review of planning policy guidance as a way of streamlining policy. The relevant sections of the NPPG in this case are as follows: Design states that where appropriate the following should be considered: • layout – the way in which buildings and spaces relate to each other; • form – the shape of buildings; • scale – the size of buildings; • detailing – the important smaller elements of building and spaces; • materials – what a building is made from.

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.

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the

impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

The Guide to Development in Manchester (SPD) - This document contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Planning History – There have been 3 planning applications, 1 discharge of condition and 1 appeal that are of relevance to the current application. A summary of the proposals description and decision are set out below.

Application/Appeal Reference and decision:	Proposal Description
Appeal Ref: APP/B4215/W/18/3219012 Appeal Allowed – 17.06.2019	Erection of a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self contained apartments, and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping
120217/FO/2018 Recv: 14.06.2018 Application Refused - 09.08.2018	Erection of a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self contained apartments and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping
CDN/19/0953 Recv: 26.11.2019 Application Approved - 21.01.2020	Discharge of Conditions 3 (materials), 4 (car parking), 9 (acoustic insulation), 10 (externally mounted equipment), 13 (obscure glazing) and 14 (landscaping) attached to planning permission 120217/FO/2018
066820/FO/SOUTH2/02 Recv: 10.12.2002 Application Approved - 20.02.2003	Retrospective permission for erection of 1.8m high garden railings
028678 Recv: 04.03.1987 Application Approved - 14.04.1987	ESTABLISHED USE CERTIFICATE It is claimed that the premises have been used as light industrial workshops before the beginning of 1964 without planning permission in that behalf and has continued since the end of 1963

Use - Following the refusal of planning application reference 120217/FO/2018 which sought permission for a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self-contained apartments and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping, the applicant appealed the decision under reference **APP/B4215/W/18/3219012** and was successful.

The Town and Country Planning (Use Classes) Order 1987 (as amended) essentially categorises different types of property and land into classes. Change between uses within the same class does not constitute development and therefore does not require planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) identifies some permitted development rights allowing the change of use from one class to another, subject to conditions, limitations and/or a prior approval process.

Thus, the appeal confirmed that the property could be used for A1, A2 or B1 Use which due to the changes as described above these uses have become part of Class E which also includes café/restaurant which is the intended use of the ground floor of the building.

Therefore, the use of the property as a café/restaurant does not require planning permission.

Design – Impact on Character and Appearance – The application has been submitted for proposed external works to support the intended café/restaurant use which involves the construction of a single storey glazed front extension facing Barlow Moor Road with retractable roof, together with installation of retractable awning to the side facing Aldermay Road.

During the site visit it was noted that the changes to the property which were subject to appeal reference **APP/B4215/W/18/3219012** and planning application reference **120217/FO/2018** had been completed and that work had already begun on the both the front extension and retractable awning to the side. Each are considered in turn, starting with the front extension.

Policies SP1, DM1 and EN1 of the Core Strategy seek good design and require development to create well designed places that enhance character, having regard to matters including siting, layout, form, massing, materials and detail, and the character of the surrounding area.

As noted in both the appeal and the previous planning application in terms of character and appearance the proposed elevational changes were acceptable and improved the appearance of the building. The result of which is shown in November 2022 (image 1) was an attractive addition to the street scene.

However, in the case of the front glazed extension which is constructed of a black powder coated steel frame with retractable roof that occupies the full width of the front elevation and encroaches to the point where it occupies the whole of the front forecourt (photographs 2 + 3). In addition, a concrete slab has been installed to raise the floor level. The consequence is that this results in the enclosure of an area which has largely been left open resulting in the loss of a forecourt which interrupts the long-established building line on Barlow Moor Road (image 2) thus interrupting the rhythm of the built form in the area.

Whilst the accompanying supporting documents describe the front extension as *“largely glazed and the retractable nature of the proposed front structure helps to minimise its visual impact”*, on closer inspection of the proposed drawings behind the bottom clear glazed fixed panels dark grey planters are shown to be positioned immediately behind which will together with the black powder coated structure result in opaque lower panels that will envelope the whole forecourt area.

Overall, it is considered that the front extension by virtue of its siting, design, massing and scale, has a detrimental impact on the streetscene and the character and appearance of the surrounding area. The front extension is also considered to be excessively bulky and out of keeping with the host building and the small parade of three mixed-use units at this location. In addition, when viewed from Barlow Moor Road, the glazed front extension is considered to unbalance the parade,

which features open forecourt areas, and obscures the attractive design features at first floor level.



Image 1 Google Streetview prior to the installation of the front extension and retractable side awning dated Nov 22. Source: www.google.com/maps/@53.4269436,-2.2599199,3a,47.5y,255.59h,92.2t/data=!3m6!1e1!3m4!1sCAgNw3xKo52zMkrb_A91Mq!2e0!7i16384!8i8192?entry=ttu



Photograph 2 and 3 Front Extension under construction photographs as dated source: Case Officer Site Photographs



Image 2 Building Line as indicated in orange for both Barlow Moor Road and Aldermay Road

The proposed retractable canopy to the side cuts across and obscures the glazing in the side elevation, to the detriment of visual amenity, and as a result appears as an incongruous and haphazard addition as shown in the before and after comparison (photograph 4 and image 3) . In addition despite being retractable it would be forward of the established building line on Aldermay Avenue, in a much more prominent position on the corner.

To conclude the front extension and awning create disharmony with the established layout, to the detriment of the distinctive character and appearance of the area, by reason of the size, design and material palette of the structures.

Reference has been made in supporting documentation to 249 Barlow Moor Road and raise other units with a front extension, although do not name them. In the case of 249 Barlow Moor Road this should not be considered to create a precedent as a comparison between the approved drawings and what is on site will show that the front extension as built is much larger in terms of width and together with the signage is bulkier in appearance. Although not named a quick glance along the street would also show an enclosed seating area with a standalone timber gazebo that provides shelter outside that of 285 Barlow Moor Road, however this does not benefit from

planning permission and again should not be considered to create a precedent that should be repeated along Barlow Moor Road.



Photograph 4 and Image 3 Comparison of before and after side awning photograph as dated, Source: Case Officer Site Photograph and Google Streetview prior to the installation of the front extension and retractable side awning dated Nov 22. Source: [www. \[https://www.google.com/maps/@53.4269436,-2.2599199,3a,47.5y,255.59h,92.2t/data=!3m6!1e1!3m4!1sCAgNw3xKo52zMkrb_A91Mq!2e0!7i16384!8i8192?entry=ttu\]\(https://www.google.com/maps/@53.4269436,-2.2599199,3a,47.5y,255.59h,92.2t/data=!3m6!1e1!3m4!1sCAgNw3xKo52zMkrb_A91Mq!2e0!7i16384!8i8192?entry=ttu\)](https://www.google.com/maps/@53.4269436,-2.2599199,3a,47.5y,255.59h,92.2t/data=!3m6!1e1!3m4!1sCAgNw3xKo52zMkrb_A91Mq!2e0!7i16384!8i8192?entry=ttu)

Residential Amenity –The appeal confirmed that the property could be used for A1, A2 or B1 Use which due to the changes as described above these uses have become part of Class E which also includes café/restaurant which is the intended use of the ground floor of the building.

The appeal restricts the use of the building to the following hours as per condition 7 of the appeal decision.

7) No business shall take place at the commercial property outside of the following hours: 08:00 to 18:00, Monday to Saturday.

Therefore, the noise and disturbance associated with dining in the forecourt area will largely be acceptable due to the restricted hours. However, the applicant has applied to increase these hours to as follows:

Provision of Regulated Entertainment (Recorded Music)
Monday to Sunday – 11.00am to 11.00pm

The supply of alcohol for consumption on the premises only
Monday to Sunday – 11.00am to 11.00pm

Which would not only extend activities into Sunday but also into later hours of the evening. It is therefore likely that the retractable roof and awning would be kept open during summer evenings when the neighbouring properties are likely to have windows open to keep the houses cooler. This would therefore increase the noise and disturbance into the night to the detriment of residential amenity of the surrounding dwellinghouses

Car Parking – As discussed, the front extension covers the entirety of the front forecourt area, which was designed to be a small, vehicular parking area under the planning reference **120217/FO/2018**, and it is considered likely that this will give rise to an unacceptable increase of parking and traffic on Aldermay Road, to the detriment of residential amenity and highway safety.

The inspector for appeal **APP/B4215/W/18/3219012** attached a condition 4 relating to parking in the interest of highway safety and was worded as follows:

4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed plan showing the car parking, and tracking into car parking spaces. The car parking approved shall be surfaced, demarcated and made available for use prior to the first occupation of the development hereby approved. The car parking shall be retained thereafter.

This was discharged and approved under reference condition discharge reference CDN/19/0953 and as can be seen there are meant to be two car parking spaces at the front of the property in the forecourt area.

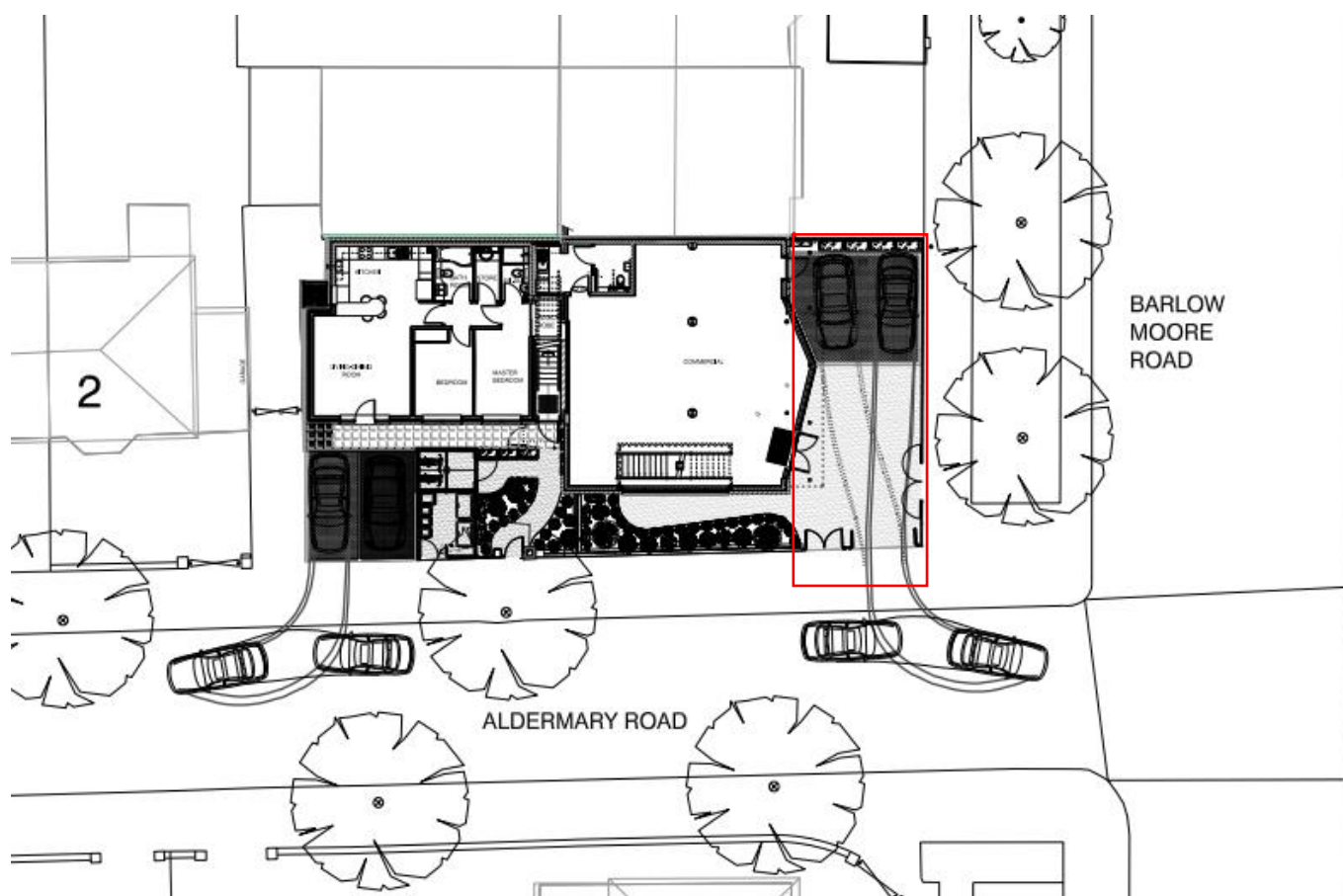


Image 3 Approved Swept Path Plan Reference: CDN/19/0953

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 retention of the developments, by virtue of their siting, design, massing, and scale, has a detrimental impact on the streetscene and the character and appearance of the surrounding area. The front extension is excessively bulky and an incongruous feature, that is out of keeping with the main building and at odds with the small parade comprising of three mixed-use units. When viewed from Barlow Moor Road, the glazed front extension unbalances the parade, whose features include open forecourt areas, and obscures the attractive design features at first floor level. The retention of the development would therefore be contrary to policy SP1, DM1 and EN1 in the Core Strategy Development Plan Document for Manchester.
- 2) The development removes any on site car parking, covering the entirety of the front forecourt area, and it is therefore likely that this will give rise to an unacceptable increase of parking and traffic on Aldermay Road, to the detriment of residential amenity and highway safety. As such, retention of the development would be contrary to policy SP1 and DM1 in the Core Strategy Development Plan Document for Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

2B Aldermay Road, Manchester, M21 7QN
2A Aldermay Road, Manchester, M21 7QN
3 Aldermay Road, Manchester, M21 7QW
1 Aldermay Road, Manchester, M21 7QW
2 Aldermay Road, Manchester, M21 7QN
245A Barlow Moor Road, Manchester, M21 7QL
243A Barlow Moor Road, Manchester, M21 7QL
243 Barlow Moor Road, Manchester, M21 7QL
245B Barlow Moor Road, Manchester, M21 7QL
4 Aldermay Road, Manchester, M21 7QN
245 Barlow Moor Road, Manchester, M21 7QL
239 Barlow Moor Road, Manchester, M21 7QL

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