

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136938/FH/2023
Date registered valid: 17 May 2023
Proposal: Installation of 1.8 m high boundary wall and fence and vehicle access gates
Address: 18 Amberley Drive, Manchester, M23 2RH
Ward(s): Baguley Ward

Applicant: Windy28.ai Limited
Agent (if any): Mr Gooding, LDM Group
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 31.07.2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 06 June 2023

Standard consultations:

Printed: 17 May 2023 Expired: 7 June 2023

Neighbour notifications

Printed: 17 May 2023 Expired: 7 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: Not applicable

Tree Preservation Order: Not applicable

The site relates to a two storey end semi detached property in the Baguley Ward area of Manchester. Gardens are to the front and rear with access along the side together with off road car parking to the front. The front elevation is stepped with the entrance to the property located on the side facing the boundary. The property features a bay window on the ground floor front and rear. The property is currently undergoing construction for the recently approved single storey side and rear extension (application ref. 135088/FH/2022). The property is surrounded by a mix of new and old properties some terraced and some semi detached varying in design and size.

Description of area

This is primarily a residential area in character.

Description of development

The application is seeking planning permission for the installation of 1.8 metre high boundary wall and vehicle access gates. The application has been revised since the original submission altering the fencing materials and appearance along the front elevation.

Planning History

135088/FH/2022 Erection of single storey side and rear extension to provide additional living accommodation. APPROVED 28.11.2022

134147/LP/2022 Enlargement of property comprising: Part A the erection of a single storey rear extension, and; Part B installation of rear dormer. APPROVD 25.08.2022

Consultations & Notification Responses

Local residents were notified however no responses were received.

Highways comments regarding the original scheme:

The site is a residential property fronting directly onto highway with footway and verge. An existing dropped kerb is in place allowing access from Amberley Drive onto the driveway.

The applicant should be advised that the wall/fence fronting the adopted highway should be reduced in height to no greater than 0.6m to ensure visual permeability. All boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m upwards.

It is expected that refuse servicing will continue as present. Submitted plans note that bins will be stored within the sites curtilage and presented to the highway on waste collection days.

Pedestrian access will remain as existing, which is acceptable to Highways.

For the avoidance of doubt, all external entrance doors/gates (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management teams via Email - highwaylicences@manchester.gov.uk

Highways Comments to the revised scheme regarding the boundary treatment:

The applicant has confirmed that the fence fronting the adopted highway has full visual permeability, which is acceptable to Highways. All boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 0.6m upwards.

For the avoidance of doubt, all external entrance doors/gates (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

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.

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.

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.

Issues

Residential and Visual Amenity

The applicant has submitted revised drawings dated 25.07.2023. The proposal retains obtaining permission for the installation of 1.8metre high boundary wall and vehicle access gates but with

alterations to the materials of the boundary treatment along the front elevation. The proposal will include metal railings up to 1.8metres in height that match other boundary treatment in the local vicinity. Further, the vehicle gates will also involve the insertion of metal railings. The proposed railings would replace the existing vegetation screening along the front elevation. Highways stated their original concerns regarding the visual permeability of the original scheme and given the visual amenity implications of the original scheme, the revised proposal including the metal railings is deemed acceptable and thus preventing an incongruous feature within the streetscene, pursuant to policies SP1 and DM1.

The proposed fencing would run along both shared boundaries and the rear boundary up until a height of 1.8metres and it is deemed that the height is acceptable and comparable to many side and rear fencing treatments in the local vicinity, the proposed fencing would not create an overbearing feature to neighbouring properties.

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

Design and Appearance

The proposal intends to use facing materials comprising metal railings and timber fencing which are in keeping with other developments in the immediate area, and therefore in light of these factors, it is not considered that the proposed development would adversely impact on the character of the building or the general area. In addition, a materials condition has been attached to ensure that the materials are adhered to, pursuant with requirements of Core Strategy policies DM1, EN1 and SP1 and saved UDP Policy DC1.

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 conserved acceptable.

Highways Comments

Highways stated their concerns regarding visual permeability of the proposed fencing above 0.6metres along the principal elevation and given the narrow pavement in between the grass verge and the highway it was deemed appropriate to alter the materials of the vehicle gates and boundary treatment to allow visual permeability into the application site and maintaining reduce safety for pedestrians and retain the local characteristics of the street scene.

Car Parking

Car parking provision would be unaffected by the proposal.

Bin Storage

Bin storage would be unaffected by the proposal.

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 agent/applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning applicant. No significant problems have arisen during the consideration of this 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 date of three years beginning with 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:

Document- Householder Application for Planning Permission for works or extension to a dwelling Town and Country Planning Act 1990 (as amended) stamped as received by the City Council as Local Planning Authority on 03 May 2023

Drawing- Location Plan stamped as received by the City Council as Local Planning Authority on 03 May 2023

Drawing- Setout Elevations ref. PS222P

Drawing- 3D Views ref. PS432P

Stamped as received by the City Council as Local Planning Authority on 25 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 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 and Approved Drawings 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 structure, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

1 Boncarn Drive, Manchester, M23 2TQ
11 Amberley Drive, Manchester, M23 2TG
Flat 4, Fern House, Amberley Drive, Manchester, M23 2RW
Flat 6, Fern House, Amberley Drive, Manchester, M23 2RW
Flat 5, Fern House, Amberley Drive, Manchester, M23 2RW
Flat 3, Fern House, Amberley Drive, Manchester, M23 2RW
16 Amberley Drive, Manchester, M23 2RH
14 Amberley Drive, Manchester, M23 2RH

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 45M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA