

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 136976/FH/2023

**Date registered valid:** 15 May 2023

**Proposal:** Erection of a 2.10 metres high replacement boundary wall to part of the Elm Road frontage.

**Address:** 33 Elm Road, Manchester, M20 6XD

**Ward(s):** Didsbury West Ward

**Applicant:** Mr F Dhawahir Scala

**Agent (if any):** Mr Paul Judge, Paul Judge Design

**Case officer:** Holly Wright  
Tel: 0161 219 6381  
Email: [holly.wright@manchester.gov.uk](mailto:holly.wright@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 07 July 2023

## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 02 June 2023

**Standard consultations:** Printed: 25 May 2023      Expired: 15 June 2023

**Neighbour notifications:** Printed: 25 May 2023      Expired: 15 June 2023

**Site notice:** Posted: 02 June 2023      Expired: 23 June 2023

**Press advert:** Published: 6 June 2023      Expired: 20 June 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** Blackburn Park Conservation Area 1979

**Tree Preservation Order:** Not applicable

The application relates to a large two-storey detached villa of redbrick with a dark grey slate roof complete with pitched dormers and gable end roof forms clad in black weatherboarding. The property is setback from the highway, sited within an irregularly shaped plot, with gardens and mature trees to all sides, and is bordered by a mixture of high-level hedges and fences, with a chain link fence to its north-western boundary, separating the site from the Northern Lawn Tennis Grounds. The property features white timber windows with black cills, including a two-storey bay to its south-western elevation, a long driveway which borders the adjacent railway cutting, as well as a number of recent alterations which include: the construction of a raised terrace (108680/FH/2015/S2) and retractable roof canopy (130471/FH/2021), and the addition of a second floor extension with dormers and a Juliet balcony to the side (109920/FH/2015/S2 and 111044/FH/2016/S2).



*Figure 1. Existing boundary treatment.*



*Figure 2. Existing boundary treatment.*



*Figure 3. Existing boundary treatment.*

## **Description of area**

Elm Road is a residential street situated within the Didsbury West ward of Manchester, close to Northern Lawn Tennis Club, West Didsbury high street and West Didsbury Metrolink tram stop. The area is primarily residential in terms of its character, consisting of large detached and semi-detached residential properties which vary in terms of their design and style and feature spacious front and rear gardens.

It should also be noted that the application site is situated on the northern outskirts of the Blackburn Park Conservation Area, which was first designated in 1979. The Blackburn Park Conservation Area originally consisted of open fields which surrounded a single large, detached property, Parkfield House, owned by Charles Blackburn. Over time, Blackburn sold limited portions of land, with plots large enough to accommodate three to four houses only, thus explaining the varied form of development currently extant in the park.

Blackburn Park is principally an area of large family houses with spacious gardens, arranged along tree-lined roads which criss-cross the level ground of the park. Building materials and styles are very varied. The older houses generally have textured light red or buff brick walls with blue slate roofs, and in some cases brick or stone dressings in contrasting colours are used even for window mullions. The later houses are predominantly smooth red brick, though render, half-timbering and decorative tile fringing are extensively used. Red tile and occasionally green slate are used for roofs and vertical cladding. All houses have pitched roofs, some of them steep, and there are a variety of gables, hips and half hips topped with interesting finials. Most of the houses within the Conservation Area remain largely in their original form, with earlier properties generally being larger than later ones. Some houses have been built in later years, mainly on sites made vacant by demolition, and these for the most part have been in-keeping with the character of the Conservation Area.

Blackburn Park is a prosperous residential area in the south of the city, and development control is aimed at maintaining this prosperity as well as the quality of the environment.

## **Description of development**

The applicant is seeking permission for the erection of a 2.1m high replacement boundary wall to part of the Elm Road frontage.

## **Planning History**

108680/FH/2015/S2 - Erection of raised terrace together with elevation alterations to create new doorway – **APPROVED** (09.06.2015).

109920/FH/2015/S2 - Erection of a second floor extension with dormers and Juliet balcony to the side to form additional living accommodation – **APPROVED** (07.10.2015).

111044/FH/2016/S2 - Erection of a second floor extension with dormers and Juliet balcony to the side to form additional living accommodation – **APPROVED** (14.03.2016).

130471/FH/2021 - Erection of canopy with retractable roof over existing terrace – **APPROVED** (29.07.2021).

## **Consultations & Notification Responses**

Local residents, as per appendix 1 – no comments or objections received.

Blackburn Park Conservation Society – no comments or objections received.

## **Policies**

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC1 – Residential Extensions
- Policy DC18 – Conservation Areas

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy EN19 – Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and enhancing the historic environment

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

## **Issues**

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan for the City of Manchester relate specifically to residential extensions and set out a number of criteria against which proposals for extensions will be assessed. Although these latter policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments to ensure a good standard of amenity for all existing and future occupiers.

**Principle** – the principle of the proposal, to install a 2.1m high replacement wall to the southern boundary of the plot, bordering Elm Road to improve the overall appearance of the application site as well as improving its security and privacy, is acceptable given that many individuals prefer to alter and adapt their homes to meet changing household needs rather than move. However, consideration must be given to the proposal’s siting, scale, and massing, appearance, and impact upon visual and residential amenity, waste storage, parking, and the Blackburn Park Conservation Area.

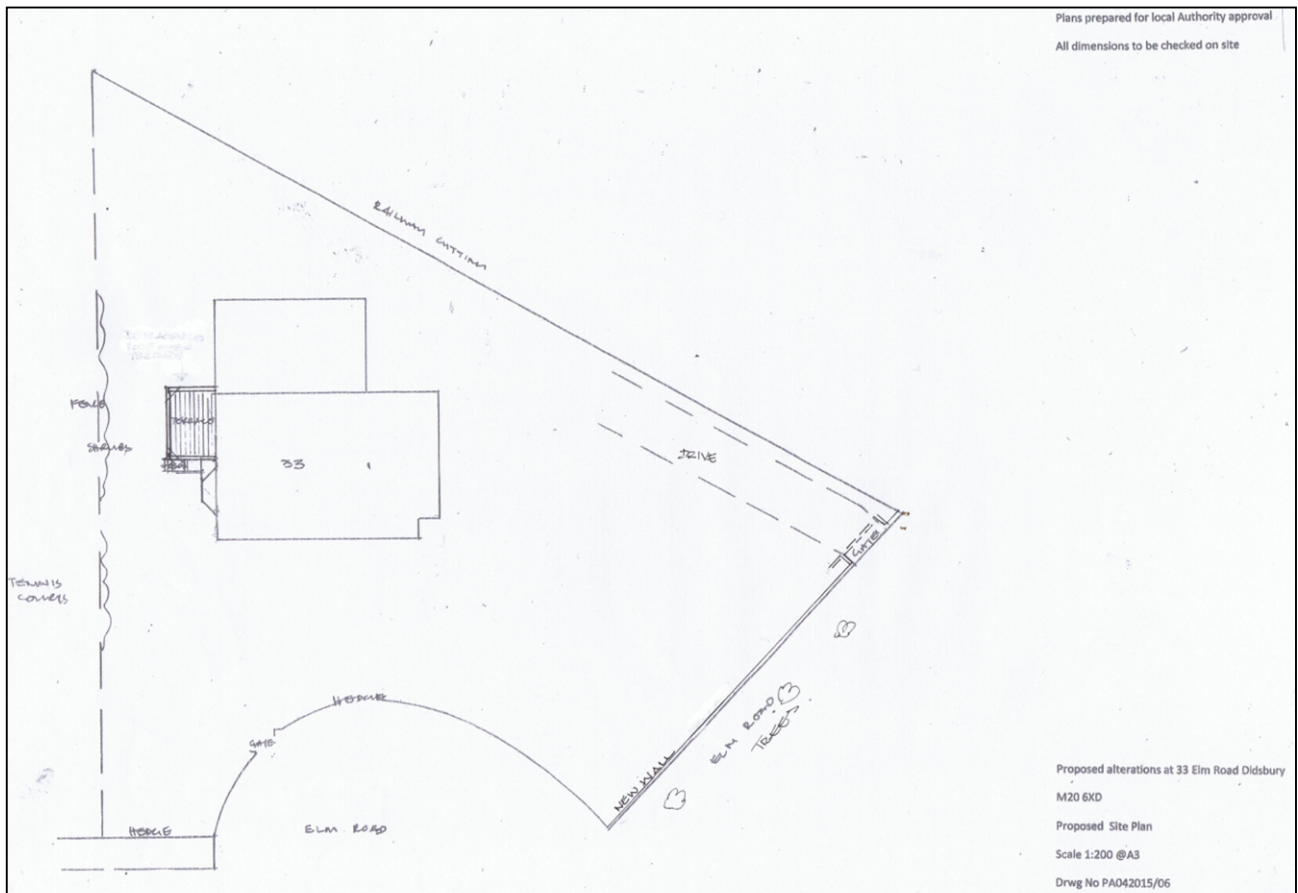


Figure 4. Submitted proposed site plan.

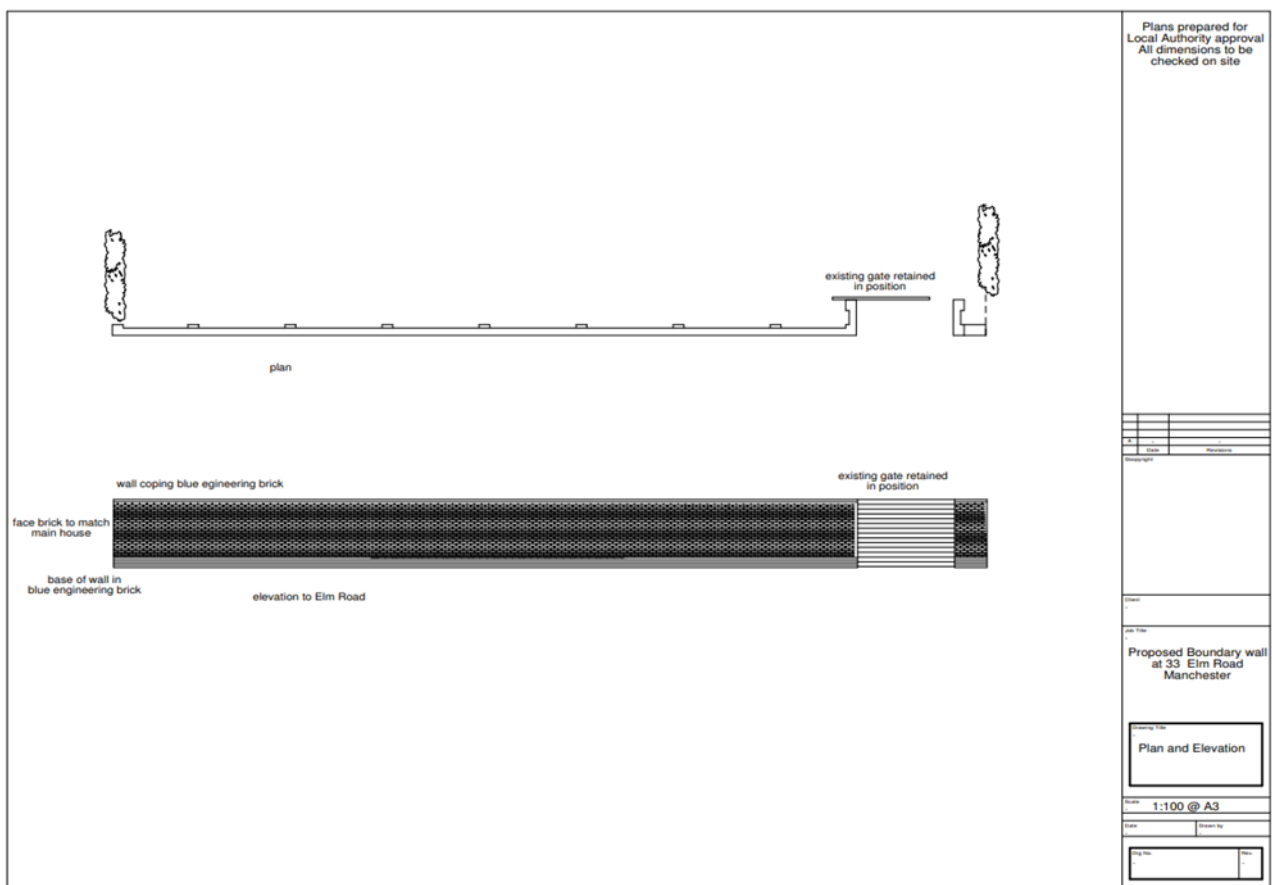


Figure 5. Submitted proposed plan and elevation.

**Siting, scale, and massing** – the 2.1m high wall would be sited along the southern boundary of the plot, replacing the existing low-level brick wall and timber fence panelling (which is of a similar height). The portion located to the west of the existing gate (which is to be retained in its current position) would measure to 22.999m in length, whilst the portion located to the east of the gate would measure to 0.999m in length. The wall would be uniform in terms of its height, measuring to 2.1m, with a thickness of 0.225m and would have brick supports along its internal-facing elevation, bringing the total thickness of the wall at these points to 0.33m. The boundary wall would also be recessed by 1.1m at either side of the existing gate in order to facilitate its retention.

Overall, the siting, scale, and massing of the proposal is considered acceptable as the boundary wall would replace the existing low-level brick wall and timber fence panelling, which possesses similar dimensions. As such, implementation of the proposal would not result in an ‘excessively large or bulky’ addition to the property, thereby according with policy DC1 of the UDP and policy DM1 of the Core Strategy.

**Appearance and visual amenity** – the proposal would be a simple construction, consisting of blue engineering brick for the base and wall coping in addition to facing redbrick for the main body of the wall to match that of the host dwellinghouse.

Given that the proposal is relatively standard in terms of its scale and design for boundary treatments, combined with the fact that it would be replacing the existing low-level redbrick wall and timber panelling which presents a weathered appearance to the street scene, it is understood that the proposal would not cause undue visual harm to this locale as it possesses the potential to improve the current visual amenity of the area.

The design and appearance of the proposed development therefore accords with Core Strategy policies DM1 and EN1.

**Residential amenity** – the proposal is not believed to detrimentally affect the residential amenity of neighbouring occupants as the proposed boundary treatment would not share a border with any other dwellinghouse. As such, the proposal should not cause issues related to loss of light, overshadowing, overlooking or loss of privacy. Boundary treatments can also be relatively easily demolished and removed if the property were to come into new ownership, thus, these works would be potentially reversible in the future.

The proposed development therefore accords with Core Strategy policies DM1 and SP1 and saved policy DC1 of the UDP.

**Waste storage** – the current waste storage arrangements would be unaffected by this proposal.

**Parking** – the current vehicular access and parking arrangements would be unaffected by this proposal.

**Impact upon the Blackburn Park Conservation Area** – the overall form and design of the proposed boundary treatment is believed to be subservient and sympathetic to the existing character of the Blackburn Park Conservation Area as the development would utilise traditional, in-keeping materials including facing brickwork to match the host dwellinghouse with a blue engineering brick base and wall coping. This use of appropriate materials would ensure that, though the proposal would be visible within the street scene and public realm, any visual harm caused would be considered less than substantial when weighed against the benefits that the proposal would bring, including improved security and privacy for the applicant. Moreover, the

proposal would also not affect the most significant aspects of the Conservation Area as the appearance of the property itself, surrounding dwellinghouses and street pattern would remain largely unaffected.

Having considered these factors, it is believed that the proposal would cause less than substantial harm to the conservation area and in this instance the installation of a brick boundary wall in bricks to match the host property is considered derive a public benefit in replacing a poor quality timber fence that outweighs this harm pursuant to Core Strategy policy EN1, UDP policy DC18 and chapter 16 of the NPPF.

**Conclusion –** given the above issues, it is considered that the proposal is acceptable in terms of its principle, siting, scale and massing, appearance, impact upon visual and residential amenity and effect upon the Blackburn Park Conservation Area, waste storage and parking as it complies with policies DC1 and DC18 of the UDP, policies DM1, SP1, EN1, EN3 and EN19 of the Core Strategy and chapters 12 and 16 of the NPPF.

## **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 applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with 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 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 documents labelled:

- 'Plan and Elevation', stamped as received by the City Council as Local Planning Authority on the 15th May 2023.

- 'Proposed Site Plan', numbered 'PA 042015/06', stamped as received by the City Council as Local Planning Authority on the 15th May 2023.

Reason - To ensure 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 on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans, including brickwork to match the host dwellinghouse.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, 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**

Blackburn Park Conservation Society

Annexe, 1 Pine Road, Manchester, M20 6UY

27A Elm Road, Manchester, M20 6XD

Northern Lawn Tennis And Squash Club, Palatine Road, Manchester, M20 3YA

29 Elm Road, Manchester, M20 6XD

26 Elm Road, Manchester, M20 6XD

1 Pine Road, Manchester, M20 6UY

31 Elm Road, Manchester, M20 6XD

## **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 - Blackburn Park Conservation Area 1979

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

Area Team Boundary - Name: SOUTH AREA