

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135890/FH/2023
Date registered valid: 30 January 2023
Proposal: Erection of a two storey side and rear extension to form additional living accommodation
Address: 31A Chorlton Green, Manchester, M21 9FQ
Ward(s): Chorlton Ward

Applicant: Mr Stan Murray-Hession
Agent (if any): Mr H Khan Just-H Architects
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 29 March 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 7 March 2023

Standard consultations:

Printed: 14 February 2023 Expired: 7 March 2023

Neighbour notifications

Printed: 14 February 2023 Expired: 7 March 2023

Site notice

Posted: 7 March 2023 Expired: 28 March 2023

Press advert

Published: 21 February 2023 Expired: 14 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Chorlton Green Conservation Area 1970

Tree Preservation Order: Not applicable

This application relates to a two-storey property on the south side of Chorlton Green.

The property is the end of a converted school building previously converted, now divided into residential units, located on Whitelaw Road, Chorlton. The site forms as part of the Chorlton Green conservation area.

Description of development

The proposal seeks consent for a first floor rear extension that sits on top of a ground floor modern extension.

Site History

134105/FH/2022 Erection of a part two, part three storey side and rear extension including rear balcony to form additional living accommodation together with associated elevational alterations. Withdrawn.

088945/FO/2009/S1 Change of use from sin. Approved

Consultations & Notification Responses

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

The proposal was advertised in the local press and a site notice was erected close to the site as effecting a conservation area and no representations have been 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 extension would allow the occupier to extend their home without causing significant 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 related to the existing house and neighbouring housing. It is not considered that the development would impact upon neighbouring houses due to their juxtaposition and arrangement of space between them. 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 of 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.

Issues

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 Chorlton Green Conservation Area.

Design - The existing rear outrigger is constructed from brick and was built as part of the buildings conversion into individual dwellings. The proposed extension will increase the existing structure by knitting into the existing first floor and ground floor structure. The materials would be matched the existing.

Residential and Visual Amenity - The proposed extension will 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. The extension introduces windows in similar location and of similar size and are considered to be acceptable in terms of their location in relation to the neighbouring properties and would not increase the level of overlooking that already exists. Therefore, the proposal is acceptable.

Impact on the Chorlton Green Conservation Area - There are several examples of designed extension throughout the conservation area and this approach to knit an addition that replicates the historic is commonplace. Given, its size and siting at the rear of the property, it is considered that the character of the Chorlton Green Conservation Area will not be harmed as the proposal is lower in height than the existing roof and material choice is set to match the existing which would be an acceptable selection for the conservation area, in addition, a condition have been attached to ensure that the materials are set to match that of the existing property.

On balance, it is believed that the proposal would enhance the character of the Albert Park Conservation Area which is considered accords 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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

Condition(s) to be attached to decision for approval

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:

AL01 and AV01, The Location Plan and The Design and Access Statement, stamped as received on the 4 January 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 development hereby approved shall be constructed using the materials specified on the application forms and approved drawings.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice

7 Stanley Grove, Chorlton, Manchester, M21 9DT
3 Stanley Grove, Chorlton, Manchester, M21 9DT
31 Chorlton Green, Manchester, M21 9FQ
31B Chorlton Green, Manchester, M21 9FQ
31C Chorlton Green, Manchester, M21 9FQ
5 Stanley Grove, Chorlton, Manchester, M21 9DT
29 Chorlton Green, Manchester, M21 9FQ
9 Stanley Grove, Chorlton, Manchester, M21 9DT

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 - Chorlton Green Conservation Area 1970
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA