

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135536/FH/2022
Date registered valid: 4 December 2022
Proposal: Retrospective application for the erection of canopies to the front and rear of the property
Address: 7 Alliot Walk, Manchester, M15 5EW
Ward(s): Hulme Ward

Applicant: Mr Hammad Hussein
Agent (if any): Mr Nick Howard
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 3 February 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 15 December 2022

Expired: 5 January 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 and surroundings

The application property relates to a two storey, end terraced dwellinghouse with public walkways to the front and rear. The property is accessed from Elverdon Close to the front and Whiteacre Walk to the rear.

The property incorporates single storey extensions to the front and rear. These extensions are subject to a separate, retrospective planning application (135456/FH/2022) to regularise unauthorised works, following an earlier permission. At the time of writing, the application is pending consideration.

The property lies within a 'Radburn' style estate, with most houses having walkways to the front and roads to the rear. The area is predominantly residential in character – mainly two storey, terraced properties.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Retrospective planning permission is sought for the erection of canopies attached to each of the front and rear extensions.

The front canopy is attached to an existing single storey extension and comprises a timber frame with a plastic roof. An access gate provides access to beneath the canopy from the public footway.



Proposed front canopy

The rear canopy is of a similar design and comprised of the same materials and also overhangs the adjoining footway.



Proposed rear canopy

The application has been accompanied by a retrospective planning application for a single storey outbuilding (Ref: 135537/FH/2022).

Consultations & Notification Responses

Local Residents/Occupiers –1 representation has been received.

The property address is queries. It is also considered that it will be in no one's interest to seek the demolition of these structures.

Planning History

135456/FH/2022

Erection of single-storey front and rear extension to form additional living accommodation (retrospective). *Pending Consideration.*

135537/FH/2022

Retrospective application for the erection of a single storey outbuilding. *Refused, February 2023.*

106781/FH/2014/S1

Erection of single-storey front and rear extension to form additional living accommodation. *Approved 5 November 2014.*

105696/FH/2014/S1

Erection of two-storey front extension to form additional living accommodation. *Refused 9 July 2014.*

097556/FO/2011/S1

Environmental improvements to the "BBC/Loreto" estate, consisting of improvements to the Rawkin Close open space (including the installation of a multi-use games area) and the green spaces at Elverdon Close and Culmington Close; improvements to existing boundary treatment and installation of new fencing and gates; creation of new landscaped areas. *Approved 14 February 2012.*

038830

CITY COUNCIL DEVELOPMENT Environmental improvement works to City Council estate including new fencing, walls, gardens, car parking and lighting. *Approved 6 June 1991.*

034021

CITY COUNCIL DEVELOPMENT Erection of 1.2 metre high concrete post and timber panel fencing to front gardens. *Approved 31 May 1989.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

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.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC1 provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP 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 the original buildings);
- b. they do not create an 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 street scene by virtue of design, use of materials or constructional details;

d. they would not result in the loss of off-street car-parking, in a situation where there is a severe existing on-street parking problem.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which 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.

National Planning Policy Framework

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.

Section 12 'Achieving well-designed places' states at paragraph 130:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 134 goes on to state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

It is believed that that proposed canopies result in a harmful impact to visual amenity. Principally as a consequence of their position and use of poor quality materials.

Visual Amenity

Saved Policy DC1 of the Unitary Development Plan states that in determining planning applications for extensions to residential properties, the Council will, amongst other criteria, have regard to the general character of the property, the effect upon the amenity of neighbouring occupiers and the overall appearance of the proposal in the street-scene. Given that the canopies are physical attached the host property, they can be classed as extensions to it.

Policies DM1 and SP1 of the Core Strategy also indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing and materials.

The Guide to Development in Manchester (SPD), an important material consideration in the determination of such developments, advocates that consideration should be given to the scale and appearance of new developments to ensure that they are informed by their context.

Paragraph 2.13 of the 'Guide to Development in Manchester' states that:

'The scale, position and external appearance of new buildings should respect their setting and relationship with adjacent buildings, enhance the street-scene and consider their impact upon the roofline and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings'.

It is further maintained at Paragraph 11.13 that:

New developments are welcomed but building lines and boundary treatments should be maintained and the basic rhythm of the street-scene should not be lost by development crowding onto street frontages'.

The Council's guidance is also supported by the National Planning Policy Framework (NPPF).

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 goes on to state that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.

In this case and with reference to the policy and guidance outlined, it is the Council's view that the proposed canopies due to their, position, design, rearward projection and use of materials, have an undesirable, obtrusive effect on the street-scene and are detrimental to the visual amenity of the neighbouring occupiers.

The canopies are situated in prominent positions. readily visible from the highway and public realm.

Due to their position right up to the rear and side boundaries respectively, encroachment outside of the property curtilage and the use of poor quality materials, out of keeping with the host property, the canopies serve to create negative, unattractive and imposing features, at odds with the character and appearance.

In light of the above and on balance, it is believed that in terms of visual amenity and the character and appearance of the area, the proposed development is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester. policies DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (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: Refuse

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The canopies, by virtue of their position and use of materials, create unduly intrusive and unattractive features harmful to the character and appearance of the area, to the detriment of visual amenity. The proposed development is therefore contrary to policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

7 Whiteacre Walk, Manchester, M15 5EQ
31 Holdgate Close, Manchester, M15 5EP
29 Holdgate Close, Manchester, M15 5EP
27 Holdgate Close, Manchester, M15 5EP
25 Holdgate Close, Manchester, M15 5EP
19 Holdgate Close, Manchester, M15 5EP
17 Holdgate Close, Manchester, M15 5EP
6 Alliot Walk, Manchester, M15 5EW
5 Alliot Walk, Manchester, M15 5EW

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA