

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135533/FH/2022
Date registered valid: 21 November 2022
Proposal: Erection of metal railings above front boundary wall
Address: 28 Crab Lane, Manchester, M9 8WB
Ward(s): Higher Blackley Ward

Applicant: Angela Daniels
Agent (if any): Mrs Dawn Winterbottom, Plans Drawn
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 January 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 December 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 29 November 2022

Expired: 20 December 2022

Site notice

Posted: 8 December 2022 Expired: 29 December 2022

Press advert

Published: 6 December 2022

Expired: 27 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Crab Lane Conservation Area 1983

Tree Preservation Order: No

Description of area

The application site relates to 28 Crab Lane within the north Manchester ward of Higher Blackley. The application site relates to a two storey, semi-detached property with an existing single storey side outrigger, sited within the Crab Lane Conservation Area, circa 1926. External brick walls have been painted white and original brick intricate detailing is sited on the front elevation of the property. Crab Lane is gently sloping upwards to the north. This is reflected in the roof line of buildings progressing northwards along Crab Lane. The property sits at an elevated position from the street and is accessible via a sloping path with handrails, to the front of the property. Amenity space to the front is characterised by a grassed garden, with a low red brick wall acting as the front boundary treatment.

Crab Lane Conservation Area consists of Crab Lane; a narrow, winding road traversing a small hill in Higher Blackley, which is located approximately four miles north of the city centre. None of the earliest cottages are standing today. Those that do remain are of varying ages from the late 18th century to the present day. All the properties have been altered at some stage. Although all the houses in the village were originally built in brick, several have since been rendered, so concealing the hand-made quality of the brickwork. Very few of the cottages have their original window frames, which would have been sub-divided into small panes, glass being available only in small sheets in the 18th century.

Description of development

The submitted application seeks planning permission for the erection of metal railings above front boundary wall. The brick detailing on top of the wall would be removed and metal railings, with a level of visual permeability, would be sited on top of the wall. The wall is a retaining wall with the garden behind it, with tile detailing to the top. As such, the total height of the front boundary treatment would be approximately 1.5 metres, as the railings would measure 0.6 metres in height. The metal railings would run the entire length of the front boundary treatment. The existing hand built black metal gate would remain at the site.

Amended drawings

Amended drawings were received by the agent as the proposed height of the proposal was considered too high and was considered to not be in keeping with the character of the surrounding area and conservation area. As such, the overall height of the structure has reduced by changing arched metal railings to linear metal railings.

Planning history

135070/PDE/2022- Prior notification of proposed larger home extension projecting 6m to the rear with a maximum height of 3.2m and a height at eaves of 2.45m.
Turned Away (Legislative)- 7 November 2022.

134578/FH/2022- Installation of new front boundary treatment.
Withdrawn- 17 November 2022.

The current application is a re-submission of the previously withdrawn application, with a design which is considered to better reflect the style of boundary treatment within the surrounding area.

Consultations & Notification Responses

Local residents

Local residents were consulted on the application and no responses were received.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time

to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.

ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

iii. Chapter 16. Conserving and enhancing the historic environment- States that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. 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 197- 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.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Policy EN3 (Heritage); states that 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.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 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 the 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 a street scene;
- e. The effect of the loss of any on-site car parking.

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.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

- 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 street trees);
 - iv) the effect of signs and advertisements;
 - v) 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.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

Paragraph 11.45 stresses that proposals should preserve or enhance the character of the conservation area. It is important that new developments in conservation areas or elsewhere are not designed in isolation. This does not prevent or inhibit creative design. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

Paragraph 11.46 states that planning submissions within conservation areas must be supported by sufficient information to enable the Council to assess in detail the context of the area. This will include full contextual drawings, photomontage, and where appropriate, a model of the proposed development.

Listed Building Act

Section 72 provides an 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.

ISSUES

Principle of Development

The submitted development application is for the erection of metal railings above front boundary wall. This is considered acceptable in principle as many people prefer to alter and extend homes rather than move, to meet the changing residential needs of families. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual /Residential Amenity

The proposed development would sit on top of the existing front boundary treatment at the site. The proposal would offer the resident a slight increase in privacy, but due to the elevated position of the property it would be difficult for the applicant to have complete privacy. Any harm in terms of visual/ residential amenity would be felt in a visual sense. As the proposal would offer a level of visual permeability in the form of the metal railings and since the property sits at an elevated position, the proposal would not be considered to create an overbearing feature or be considered over engineered. In turn, it would not give rise to any adverse visual/residential amenity implications to the surrounding neighbours.

Design and Appearance

Permitted Development rights allow boundary treatments up to 1 metre when sited next to a highway. The proposal would have a total height of 1.5 metres but would have a level of visual permeability after 0.9 metres. As such, the additional height beyond that prescribed through Permitted Development is considered acceptable and would not be considered over development.

The form of the front boundary treatment would mirror those seen within the immediate neighbourhood and the proposal is therefore considered acceptable to Policy DC1.3 of the UDP.

The retention of the existing red brick wall and the use of the metal rail fencing for the development is considered acceptable and a materials condition has been attached to ensure that the specified materials are adhered to.

Crab Lane Conservation Area

Crab Lane is a narrow, winding road traversing a small hill in Higher Blackley, which is located approximately four miles north of the city centre. None of the earliest cottages are standing today. Those that do remain are of varying ages from the late 18th century to the present day. All the properties have been altered at some stage. Although all the houses in the village were originally built in brick, several have since been rendered, so concealing the hand-made quality of the brickwork. Very few of the cottages have their original window frames, which would have been sub-divided into small panes, glass being available only in small sheets in the 18th century.

Policy EN3 requires that 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 including conservation areas. Saved policy DC18 of the UDP expresses the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees). The application seeks permission to add metal railings onto the existing red brick wall. The existing front boundary wall at the property offers a small contribution to the Conservation Area but is a structure seen throughout the Conservation Area. Although the brick pillars would be lost as a result of the proposal, which is regrettable, the insertion of metal railings on top of the existing brick wall would match a number of boundary treatments in the surrounding areas. The amendment to the proposal lowers the overall height of the treatment thus more closely reflecting the low boundary treatments along this stretch of the Conservation Area. As such, the design of the proposal aims to be sympathetic to the conservation area

whilst fulfilling the needs of the applicant to increase the level of boundary treatment to offer additional privacy. On balance, it is considered that the proposed development would cause a low level of less than substantial harm to the conservation area.

In line with paragraph 202 of the NPPF, where less than substantial harm occurs, public benefits are required to mitigate against that harm. The character of this part of the conservation area contains recent and more modern additions and interventions, including the recently approved side extension and changes to the boundary treatment at 24 Crab Lane (planning ref: 132177/FO/2021). On reflection, the current proposal being assessed is considered small in nature and would not drastically alter the character of the Conservation Area. The design chosen reflects a design seen across the surrounding properties and so is considered sympathetic in design.

Bin Storage

Bin storage would be unaffected by the proposal.

Car Parking

No off street car parking is available at the site and would be unaffected by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area, and the proposal has been amended to minimise visual impacts to the Conservation Area.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and have asked for amendments to the scheme.

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 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:

-Householder Application for Planning Permission for works or extension to a dwelling, stamped as

received by the City Council as Local Planning Authority on 21 November 2022.

-Drawing- Existing & Proposed- Fencing, numbered 04B, stamped as received by the City Council as Local Planning Authority on 12 January 2023.

-Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 21 November 2022.

-Drawing- Site Plan, numbered 30, stamped as received by the City Council as Local Planning Authority on 21 November 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester 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 Drawing- Existing & Proposed- Fencing, numbered 04B specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

30 Crab Lane, Manchester, M9 8WB
26 Crab Lane, Manchester, M9 8WB
33 Crab Lane, Manchester, M9 8NB
31 Crab Lane, Manchester, M9 8NB
29 Crab Lane, Manchester, M9 8NB

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Crab Lane Conservation Area 1983
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA