

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134263/FH/2022

Date registered valid: 23 August 2022

Proposal: Erection of a part single part two storey rear extension to create additional living accommodation and the introduction of a first floor patio door with balustrade.

Address: 5 Vincent Avenue, Manchester, M21 9GR

Ward(s): Chorlton Ward

Applicant: Mr Kyle Lovett-Blackwell, 8 Melbourne Avenue, Manchester, M32 0DE

Agent (if any): Mr Paul Foxley, Foxley Architect, Brompton House, Keighley Road, Laneshaw Bridge, Colne, BB8 7HR

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 December 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 12 September 2022

Standard consultations:

Printed: 24 August 2022 Expired: 14 September 2022

Neighbour notifications

Printed: 2 December 2022 Expired: 12 December 2022

Site notice

Posted: 8 September 2022 Expired: 29.09.2022

Press advert

Published: 30 August 2022 Expired: 20 September 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane Conservation Area 2005

Tree Preservation Order: No

The application site concerns 5 Vincent Avenue, a Victorian red brick semi-detached house set within rectangular garden plots. The boundary treatment to the front comprises of a low brick wall capped with flat gritstone coping stones and has vehicular access.

Description of area

The site is within a residential cul-de-sac of similar Victorian villas to the west of Oswald Road approximately 345 metres north-west of Chorlton District Centre. The site is within the Wilbraham Road/Edge Lane Conservation Area.

The proposal seeks consent for the erection of a part single part two storey rear extension to create additional living accommodation and the introduction of a first-floor patio door with balustrade.

Negotiations

The original submission included a two-storey rear and side extension and a projecting rear balcony at first floor level. The proposal in terms of its design and appearance was considered to be at odds with the host building and had a negative impact in terms of the character of the conservation area. A revised scheme was submitted which included the removal of the side

extension and altered the roof profile to a more traditional design and the projecting balcony was replaced by a recessed Juliet type balcony.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and one objection was received prior to an amended scheme being submitted, raising concerns in relation to overlooking in particular from the balcony and noise its occupancy would generate. The proposal was significantly altered in terms of its height, scale and massing and the projecting balcony was replaced by a recessed Juliet balcony. The objector also highlighted building noise at the premises has been an issue, however, this is not a material planning consideration.

The neighbours were re notified of the revised scheme and no objections have since been received.

The proposal was advertised in the local press and a site notice was erected close to the site as affecting conservation area.

The Tree Section- Raised no objection to the proposal, subject to BS:5837 being strictly adhered to as there will be excavation works carried out with the root protection zone of the trees to the front of the site and a condition has been attached to the consent.

Issues

Issues

Unitary Development Plan

Saved Policy 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.

DC1.3 Notwithstanding the generality of the above policies, the council will not normally approve:

- a) rearward extensions greater than 3.65m (12ft) in length
- b) 2 storey extensions with a flat roof, particularly those which would be visible from the public highway
- c) 2 storey extensions to terraced properties which occupy the full width of the house
- d) flat roofed extensions to bungalows

e) extensions which conflict with the councils guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned.
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole.
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above.

DC18.1 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.
- 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.

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.

Policy SP1 identifies 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 including:-

- 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 or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 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: -

- 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.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Policy EN3 states: 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.

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:

An economic role - contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and

An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high quality homes.

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.

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.

ii. Chapter 16: Conserving and enhancing the historic environment -

Paragraph 189 - States that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 192 - States 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.

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.

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 matters (ID:15);
- ii. Design (ID:26) - Good quality design is considered to be an integral part of sustainable development.
- iii. Health and well-being (ID:53).

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. The above sections of PPG would therefore be satisfactorily responded to.

Issues

Principle

As the proposal seeks to extend a residential property policy DM1 and saved policy DC1 are applicable. Furthermore, as the application site is within the Wilbraham Road/Edge Lane Conservation Area relevant policies are EN3 and saved policy DC18.

Consideration has, however, been given as to whether the scale, mass, design and appearance of the extension is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area, and the impact upon the character of the conservation area.

Scale, Mass and Design

The proposal has regard for the character of the conservation area and seeks to maintain many of the original features. The proposed rear extension is considered to be of an acceptable scale and design in relation to the host property. The proposed design is contemporary, with the use of large areas of glazing and zinc to create a lightweight addition to the property. The roof profile matches the traditional design of the existing roof. Notwithstanding this, only a small section of the proposed extension will be visible from public locations. Subject to the use of appropriate roofing materials, it is not considered that the proposed development would result in any harmful impact to the appearance of the host building or the setting of the Conservation Area.

Loss of light/overshadowing

Given the relationship with neighbouring properties and the distances it is not considered that loss of light would be a significant issue in this instance.

Impact/Visual Amenity/Residential Amenity

The proposed rear extension overlooks the rear garden of the application site and there are no buildings present immediately behind the site and as such there would be no direct overlooking as a result of the proposal. The rear patio windows position and their relationship with the neighbouring properties pose no more overlooking than already exists by the existing windows. The ground floor extension projects 3 meters and the first-floor projects 1.5m coupled with the distance of the neighbouring side properties is great enough to overcome any issues relating to shadowing. The glass balustrade to the basement and to the first floor are acceptable and collectively the additions added to the host building are considered to be acceptable.

Impact on the Wilbraham Road/Edge Lane Conservation Area

There are several examples of designed extensions 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 Wilbraham Road/Edge Lane Conservation Area will not be harmed as the proposal is subservient, not highly visible from within the street scene and material choice is considered to be of a quality resulting in a modern appearance that compliments the host building and is therefore an acceptable selection for the conservation area.

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.

Trees

The tree section confirmed the excavation works carried out within the root protection zone of the trees to the front of the site shall be carried out in strict accordance with BS:5837 and an appropriate condition has been attached to the consent.

Conclusion

It is therefore considered that the proposals are contrary to City Council saved policies DC1.1, DC1.2, DC1.3 and DC1.4 and DC18 of the Unitary Development Plan and policy DM1, SP1, EN3 and EN9 of the Core Strategy.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. Further information was sought from officers during the application and amendments were made to the proposal.

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:

01 Rev D,
02 Rev D,
03 Rev B,
04 Rev B stamped as received on the 1 December 2022 and the Location and Site Plan, received electronically on the 13 December 2022.

The Tree Survey by Indigo Limited Survey, stamped as received on the 15 August 2022

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 carried out in accordance with the materials as set out in drawings:

01 Rev D,
02 Rev D,
03 Rev B,
04 Rev B stamped as received on the 1 December 2022.

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) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

5) Before first occupation the first floor bathroom and en suite windows, shown on drawing numbers 01 Rev D, 02 Rev D, 03 Rev B, 04 Rev B, received by the City Council as Local Planning Authority, stamped as received on the 1 December 2022, shall be obscure glazed to a

specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

6) 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 plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)

4 Vincent Avenue, Manchester, M21 9GR
Bottom Floor, 7 Vincent Avenue, Manchester, M21 9GR
Flat 2, 5 Vincent Avenue, Manchester, M21 9GR
Flat 1, 5 Vincent Avenue, Manchester, M21 9GR
Flat 3, 6 Vincent Avenue, Manchester, M21 9GR
Flat 2, 6 Vincent Avenue, Manchester, M21 9GR
Flat 1, 6 Vincent Avenue, Manchester, M21 9GR
Top Floor, 7 Vincent Avenue, Manchester, M21 9GR
3 Vincent Avenue, Manchester, M21 9GR
8 Vincent Avenue, Manchester, M21 9GR

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 - Wilbraham Road/Edge Lane Conservation Area 2005
Area Team Boundary - Name: SOUTH AREA