

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 134698/FH/2022

**Date registered valid:** 15 August 2022

**Proposal:** Erection of a single storey side and part single, part two storey rear extension to form additional living accommodation

**Address:** 38 Whitelow Road, Manchester, M21 9HR

**Ward(s):** Chorlton Ward

**Applicant:** Mr Jamie Smith & Mrs Gemma Tate 38 Whitelow Road, Manchester, M21 9HR

**Agent (if any):** Mrs Paula Butterfield Groves Butterfield Architecture Ltd 102 Roseneath Road, Manchester, M41 5AZ

**Case officer:** David Lawless  
Tel: 0161 234 4543  
Email: david.lawless@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 10 October 2022

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## **Application details**

**Type of application:** Full Householder Application

**Development type:** Householder

**Date of site visit:** 14 September 2022

### **Standard consultations:**

Printed: 24 August 2022    Expired: 14 September 2022

### **Neighbour notifications**

Printed: 24 August 2022    Expired: 14 September 2022

### **Site notice**

Posted: 14 September 2022    Expired: 5 October 2022

### **Press advert**

Published: 30 August 2022    Expired: 20 September 2022

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building/area**

38 Whitelaw Road is a 2 storey semi-detached dwellinghouse with elevated ground floor, which is located within the Wilbraham Road/Edge Lane Conservation Area. There is a basement/ground floor bay on the front elevation and the front door is recessed. The property has a dual pitched roof and the gable has either been painted or rendered.

At the rear of the property is a three storey outrigger shared with the adjoining property. The front garden is approximately 3.7 metres deep and along Whitelaw Road there is a brick wall topped with terracotta copings. Behind the wall is an unauthorised horizontal planked fence 2.2 metres high. The side garden is 11.2 metres wide and contains a parking space. The rear garden is approximately 2.2 metres deep.

This is a predominantly residential area. Adjoining the side garden to the north is grounds of St John RC Church, a grade II Listed Building. Along the boundary with the site is a high hedge beneath which the ground level is higher than that of the application site. Adjoining the site to the west is the rear garden/car parking for a flat conversion on St Clements Road. Facing the site across Whitelaw Road is a large electricity sub-station and the car park at the rear of a flat development on High Lane.

**Listed building:** no

**Conservation area:** Wilbraham Road/Edge Lane Conservation Area 2005

**Tree Preservation Order:** no

## **Description of development**

The applicant is proposing to erect a single storey side and part single, part two storey rear extension to form additional living accommodation.

Planning permission to erect a single storey front and side extension, incorporating garage and roof terrace, together with a two storey rear extension was refused in May 2022 under reference 133429/FH/2022

### **Consultations & Notification Responses**

**Local Residents** – no comments received.

**Chorlton Voice** – no comments received.

### **Policies**

**The National Planning Policy Framework July 2021 (NPPF)** – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 in Section 16 states that in determining planning 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 states 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.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**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 EN 3, *Heritage* – 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.

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 DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

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

**Saved UDP Policies** – Policies DC1 and DC18 are considered of relevance in this instance:

Policy DC1, *Residential Extensions* – Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

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

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 or 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 previously refused application proposed a very prominent extension to the side and front of the property, an extension that would have had a detrimental impact upon the streetscene and conservation area. The applicant has now amended the proposal and has sited the two storey extension at the rear of the property and lowered the side extension by removal of the parapet wall.

Given the above, the principle of the proposal is considered acceptable. Notwithstanding this, its impact upon the existing levels of residential and visual amenity , as well as the character of the conservation area

**Design** – The design of the proposed extension is considered acceptable. The rear extension is traditional in form, with its pitched roof and matching render, while the single storey side extension has a more contemporary feel, being flat roofed and consisting of predominantly glazed front and side elevations. Render would also be used on the side extension.

The associated elevational alterations, i.e. the new windows in the existing side elvation, are considered acceptable.

**Siting** – The extensions have been sited to minimise their impact upon the streetscene and to safeguard residential and visual amenity, as a result the siting of the development is considered acceptable.

**Residential Amenity** – The proposal would not result in a loss of privacy due to overlooking or lead to overshadowing. Accordingly, it is not considered that the proposal would have a detrimental impact on the existing levels of residential amenity enjoyed within the vicinity of the site.

**Visual Amenity** – The scale and massing of the side extension has been much reduced and pushed further back into the site when compared to the previously refused application. It is acknowledged that this would minimise the impact on the Whitelow Road streetscene.

**Impact on the character of the Wilbraham Road/Edge Lane Conservation Area** – The application site is one of a small group of properties within the conservation area that have very small rear gardens which is offset by large side gardens. This spacing between the properties forms an important part of the character of these properties and thus the conservation area at this point.

The previous proposal occupied the full width of the side garden and due to the need for a parapet to a roof terrace it was higher than a single storey and considered to significantly impact the character of the conservation area. This proposal has been set much further back and is lower and as such the spacious character to the side of the property has been retained. Overall, it is not considered that the proposal would have a detrimental impact upon the character of this conservation area.

**Trees** – There is only one tree within the site and this is proposed to be felled - it is a category U tree and a weak structure. Its removal is considered acceptable and recognised that it would be undertaken irrespective of the development.

**Pedestrian and Highway Safety** – The existing car parking space would remain and as such it is not considered that the proposal would lead to additional on-street parking. Accordingly, it is considered that the proposal would not have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along Whitelow Road.

### **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 to resolve any matters arising in relation to dealing with the planning application.

### **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 stamped as received on 15 August 2022:

- a) 2255-PL-EX-000
- b) 2255-PL-PR-001 REV 01
- c) 2255-PL-PR-099 REV 01 to 103 REV 01
- d) 2255-PL-PR-200 REV 01 to 202 REV 01

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 development hereby approved shall be constructed and thereafter maintained using the materials detailed on the drawings and application forms stamped as received on 15 August 2022.

Reason - In the interests of visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

### **Appendix 1 – List of consultees & neighbours notified**

Neighbourhood Team Leader (Arboriculture)  
Chorlton Voice

St Johns Presbytery, 1 St Clements Road, Manchester, M21 9EE  
Flat 15, 5 St Clements Road, Manchester, M21 9HT  
Flat 14, 5 St Clements Road, Manchester, M21 9HT  
Flat 13, 5 St Clements Road, Manchester, M21 9HT  
Flat 12, 5 St Clements Road, Manchester, M21 9HT  
Flat 11, 5 St Clements Road, Manchester, M21 9HT  
Flat 10, 5 St Clements Road, Manchester, M21 9HT  
Flat 9, 5 St Clements Road, Manchester, M21 9HT  
Flat 8, 5 St Clements Road, Manchester, M21 9HT  
Flat 7, 5 St Clements Road, Manchester, M21 9HT  
Flat 6, 5 St Clements Road, Manchester, M21 9HT  
Flat 5, 5 St Clements Road, Manchester, M21 9HT  
Flat 4, 5 St Clements Road, Manchester, M21 9HT  
Flat 3, 5 St Clements Road, Manchester, M21 9HT  
Flat 2, 5 St Clements Road, Manchester, M21 9HT  
Flat 1, 5 St Clements Road, Manchester, M21 9HT

40 Whitelow Road, Manchester, M21 9HR  
Flat 2, 65 High Lane, Manchester, M21 9EE  
65 High Lane, Manchester, M21 1EE  
Flat 18, 65 High Lane, Manchester, M21 9EE  
Flat 17, 65 High Lane, Manchester, M21 9EE  
Flat 16, 65 High Lane, Manchester, M21 9EE  
Flat 15, 65 High Lane, Manchester, M21 9EE  
Flat 14, 65 High Lane, Manchester, M21 9EE  
Flat 13, 65 High Lane, Manchester, M21 9EE  
Flat 12, 65 High Lane, Manchester, M21 9EE  
Flat 11, 65 High Lane, Manchester, M21 9EE  
Flat 10, 65 High Lane, Manchester, M21 9EE  
Flat 9, 65 High Lane, Manchester, M21 9EE  
Flat 8, 65 High Lane, Manchester, M21 9EE  
Flat 7, 65 High Lane, Manchester, M21 9EE  
Flat 6, 65 High Lane, Manchester, M21 9EE  
Flat 5, 65 High Lane, Manchester, M21 9EE  
Flat 4, 65 High Lane, Manchester, M21 9EE  
Flat 3, 65 High Lane, Manchester, M21 9EE  
33 Whitelow Road, Manchester, M21 9HG  
Flat 1, 65 High Lane, Manchester, M21 9EE

## **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