

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133663/FH/2022
Date registered valid: 23 May 2022
Proposal: Retention of single storey rear canopy
Address: 39 Whiteway Street, Manchester, M9 5PN
Ward(s): Harpurhey Ward

Applicant: Mr Serge Fotsing 39 Whiteway Street, Manchester, M9 5PN
Agent (if any): Mr Barry Cullen Barry Cullen Architecture Ltd Flat 27, Brookside Court, 101 Slade Lane, Manchester, M19 2AH
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 28.06.2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 25 May 2022 Expired: 15 June 2022

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a mid terraced two storey brick built coated in white render finish along the rear elevation dwellinghouse in the Harpurhey area of North Manchester. The property benefits from hard landscaping and a bay window to the front and an existing rear canopy and rear garden. It should be noted the existing single storey rear canopy has no record of obtaining planning permission. The property is bounded by timber fencing along the shared and rear boundaries and a masonry wall along the front boundary.

The surrounding area is residential in nature.

Description of development

The application seeks consent for the retention of the single storey rear canopy structure providing a covered decking area overlooking the rear of the garden. The application has been submitted as an informal compliant was raised to the Enforcement Team. The proposal would have approx. dimensions of depth 3 metres, width 5.7 metres, maximum height of 2.8 metres and at the eaves of 2.4 metres. The canopy's roof profile consists of a hipped Perspex element.

Consultations & Notification Responses

Local residents were notified and one objection was received. The objection letter is outlined below:

This has already been built without planning permission. Structure is not very good also has a flimsy roof. Visible from public access which is not on planning application and also tall trees in surrounding gardens which is not mentioned in application. Structure has also been attached to party fence on both sides without permission. I have already spoke to the person dealing with this application.

Comments on Objection Letter: The proposed rear canopy's materials are to be an upgrade on the existing materials used, as a response to limit the residential and visual amenity of the structure. There is a public highway situated to the rear of the property however given the distance and boundary treatment it is not considered to add an incongruous feature to the streetscene. It is not deemed that the structure would impede on either neighbouring property and therefore Certificate A was valid.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

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

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

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

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- 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.

Issues

Principle

The proposed development is for the retention for the single storey rear canopy, this is considered acceptable in principle as many people prefer to alter homes rather than move, in order to meet the changing residential needs of families. 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.

Residential and Visual Amenity

As stated above the rear canopy would be positioned off the original rear elevation and has a rearward projection of 3.1 metres. It should be noted that the rear canopy is situated close to the shared boundaries with no. 37 and 41 Whiteway Street. It is not considered that the additional built form seen along the shared boundary would create an overdominate feature. Additionally, the canopy would not give rise to any significant overshadowing or loss of lights implications.

The rear canopy would not be visible from the streetscene along Whiteway Street, however since Moss Brook Road runs adjacent to the north boundary, the canopy is visible within this streetscene. However given the distance to the rear boundary the existing boundary treatment and the single storey nature of the extension is not considered to form an incongruous or overdominant feature within the local vicinity and therefore it is deemed the single storey canopy will not provide any undue visual amenity.

The proposed development would allow for amenity space to be retained along the front, and rear of the application site, with the existing off-street car parking to be maintained.

The proposed timber lattice climber material situated along the side elevations of the proposal is not a solid or obtrusive element and does not create a visually incongruous feature along the side boundaries and is a higher quality material and appearance than the current side elevation materials. Additionally, the decking area overlooks the rear garden, it is considered that the proposal is acceptable in design terms and would not have any adverse impact on the character of the property or surrounding area, and would maintain existing privacy levels of neighbouring properties.

The rear canopy has an acceptable impact on visual amenity. It is designed to be subservient to the main dwelling and is of a relatively modest scale which does not amount to an overdevelopment when seen in the local context.

Design and Appearance

Whilst the materials used in the single storey rear canopy are not made of material materials and the roof and side elevation materials do not match those used within the host property, the canopy is typical of a rear extension structure type found in many gardens in the area. The use of timber climber frames for the elevations is typical of canopies within local gardens, although the roof material offers a more contemporary feel. A materials condition will be attached to any approval granted to ensure the materials listed are used.

Waste Management

The proposed development would not effect the existing bin management strategy.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, allowing occupiers to adapt their homes to meet their residential needs, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise.

For the reasons above, the proposal is unlikely to have any detrimental impact and therefore accords with saved UDP policy DC1 and policies SP1 and DM1 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 agent/applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning applicant. No significant problems have arisen during the consideration of this 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 date of three years beginning with 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:

Document- Householder Application for Planning Permission for works or extension to a dwelling Town and Country Planning Act 1990 (as amended) stamped as received by the City Council, as Local Planning Authority on 3 May 2022.

Drawing- The Location Plan stamped as received by the City Council, as Local Planning Authority on 3 May 2022.

Drawing- Elevations stamped as received by the City Council, as Local Planning Authority on 23 May 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 materials to be used on the external surfaces of the extension hereby permitted shall be implemented in accordance with the approved details set out in the documents and drawings as specified in Condition 2 of this approval.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

35 Whiteway Street, Manchester, M9 5PN

37 Whiteway Street, Manchester, M9 5PN

41 Whiteway Street, Manchester, M9 5PN

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH