

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135128/NMC/2022
Date registered valid:	6 October 2022
Proposal:	Non-material amendment to planning approval reference 132453/FH/2021 to incorporate revisions to the appearance of the development.
Address:	42 Kingston Road, Manchester, M20 2SB
Ward(s):	Didsbury East Ward
Applicant:	C/o Agent, 42 Kingston Road, Manchester, M20 2SB
Agent (if any):	Mr Dan Whitney, Axis PED Ltd, Camelia House, 76 Water Lane, Wilmslow, SK9 5BB
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	28 October 2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

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/area

42 Kingston Road is a large semi-detached house built in the late Victorian era. It has red orange coloured brickwork with slate pitched roofs and white timber sash windows. Decorative features include white painted stone cills and quoins, low brick arched lintels, and prominent eaves brackets. A large private garden wraps around the property on the north and east, bounded by a brick wall and mature dense foliage providing substantial screening from the street. A high brick wall lies on the southern boundary with the neighbouring property. A single garage with a shallow pitched roof is attached to one side of the house. The other half of the semi fronts onto Millgate Lane.

Kingston Road is a residential street of large detached and semi-detached properties initially developed during the late 19th Century and into the 20th Century. The site is located within the Didsbury St James Conservation Area.

Listed building: No

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: No

Description of development

The applicant obtained planning permission in February 2022 for the following:

Erection of single-storey side extension, together creation of lightwells and new access to basement to form additional living accommodation following demolition of existing garage and porch (ref. 132453/FH/2021)

The applicant is now proposing to undertake the following non-material amendments to the scheme:

- a) Kitchen window and basement door moved to the right by approximately 350mm
- b) Stairs to the basement updated in line with the new basement entrance
- c) Side cladding updated from light larch to charred black larch

Consultations & Notification Responses

N/A

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.

In addition to the above, Sections 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.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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 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 EN 3, *Heritage* – 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.

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

- 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.

Saved UDP Policies – 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 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.

Policy DC1, *Residential Extensions*. – 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 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 carparking.

Policy 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 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 so severe an existing on-street parking problem that unacceptable additional pressures would be created.

Policy DC1.3 states that notwithstanding the generality of the above policies, the Council will not normally approve:

- a) rearward extensions greater than 3.65m (12 ft) 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 Council's guidelines on privacy distances (which are published as supplementary guidance).

Policy DC1.4 states that 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.

Issues

Principle of the Proposal – The principle of the development is considered acceptable, particularly given the previous consent. Notwithstanding this, consideration must be given to the potential impact of the amendments upon existing levels of residential and visual amenity and upon the character of the Didsbury St. James Conservation Area.

Design – The design of the proposed extension and the three lightwells is still considered acceptable and compatible with the existing property.

Impact on Didsbury St. James Conservation Area – Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP policy DC18, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials. In terms of informing the design and form of new development in the area, it is considered that careful consideration should be given to the existing character of the conservation area including the size, mass and appearance (including materials) of the older buildings.

Given the design and siting of the extension, it is not considered that the proposal would have a detrimental impact upon the character and appearance of the Didsbury St. James Conservation Area and as a result the development would cause less than substantial harm to the designated heritage asset.

Residential Amenity – It is not considered that the proposal would have a detrimental impact upon the existing levels of residential amenity enjoyed by the occupants of the adjoining dwellings.

Visual Amenity – Given the design and siting of the proposal and the fact the dwelling is not readily visible from the public realm, it is not considered that the proposed amendments would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Trees – The proposal would not have an impact upon the existing tree cover.

Pedestrian and Highway Safety – The proposed amendments to the scheme would not have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along Kingston 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

1) The details of the proposed amendments are:

- a) Kitchen window and basement door moved to the right by approximately 350mm
- b) Stairs to the basement updated in line with the new basement entrance
- c) Side cladding updated from light larch to charred black larch

2) Following an assessment of the details submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the levels of residential and visual amenity and pedestrian and highway safety enjoyed within the vicinity of the site.

Condition(s) to be attached to decision for approval:

3) Condition 2) The development hereby approved shall be carried out in accordance with the following drawings stamped as received on 9th December 2021:

- a) LP2105-3-001
- b) LP2105-3-002
- c) LP2105-3-099
- d) LP2105-3-100
- e) LP2105-3-101
- f) LP2105-3-110
- g) LP2105-3-111
- h) LP2105-3-201
- i) LP2105-3-300

and the following drawings stamped as received on 6 October 2022:

- j) LP2105-3-199A
- k) LP2105-3-200A
- l) LP2105-3-301A

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.

Appendix 1 – List of consultees & neighbours notified

N/A

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 - Didsbury St James Conservation Area 1970

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA