

**DELEGATED REPORT**

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|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 02/03/2022 | <b>Ref:</b> 67930/FUL          |
| <b>Registration:</b> 14/01/2022 | <b>LDfC:</b> 10/02/2022           | <b>Expiry Date:</b> 11/03/2022 |
| <b>Site Visit:</b> 02/03/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** 1st floor extension at rear

**Location:** 36 Bury Old Road, Prestwich, Manchester, M25 0FT

**Description**

The site comprises a 4 bedroomed traditional style brick and render detached property being used as a small schul/synagogue on Bury Old Road. There are residential properties on either side and across the road with a Local Shopping Centre nearby. It has a front garden with access and turning from Bury Old Road and a rear garden on 2 levels which slopes up to properties on Castle Hill Road. Currently construction of a single storey rear extension is being carried out.

The boundary to Bury New Road frontage is a traditional domestic stone garden wall with the elevated front garden behind (similar to all the properties along this frontage). The other 3 boundaries to the neighbouring residential properties, are a mix of fences, planting and hedges.

The original retrospective application to change the use of the house (Use Class C3) to a place of worship (Use Class D1) was approved in 2015. A further application to extend the property at the side and rear/ground floor was approved in 2020.

This latest application proposes to extend above the single storey extension that is currently being constructed and carry over onto the small lean-to, projecting out from the existing two storey outrigger.

The extension would provide additional space (approx 16sqm) for the 'ladies Shul' and an extra storage area (approx 6sqm). It would be constructed in red brick to match the house and have a flat roof.

**Relevant Planning History**

58311 - Change of use from dwellinghouse (Class C3) to place of worship (Class D1) (retrospective) - Approved 18/02/2015  
64956 - Single storey extensions at side and rear - Approved 14/02/2020  
14/0481 - Being used as a place of worship - 12/01/2015

**Publicity**

Immediate neighbours notified by letter dated 19/01/2022. No objections received.

**Statutory/Non-Statutory Consultations**

Traffic - No objection.  
Environmental Health - No objection.

**Pre-start Conditions** - N/A

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| EN1/2 | Townscape and Built Design                                  |
| CF1   | Proposals for New and Improved Community Facilities         |
| HT2/4 | Car Parking and New Development                             |
| H2/3  | Extensions and Alterations                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |

## **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

**Use** - The existing use as a place of worship would not change. The extension would expand the facilities at the synagogue and would comply with the NPPF and UDP Policy

CF1 regarding community facilities.

**Visual amenity and Streetscape** - The extension at the rear would be screened by the house and would not be readily viewed from the public arena. The roof would be carried over onto the existing and the extension constructed of brick to match the house. As such it would not impact on the character of the property within the wider streetscape. Complies with UDP Policy EN1/2 Townscape and Built Design.

**Residential Amenity** - The neighbour to the north west (No.1 Castle Hill Road) has a single storey glazed conservatory/utility room running along the shared boundary with the applicant's site. Whilst the extension would have a negative impact on this room, it has been added by the householder and on what is the side elevation, cannot be afforded significant weight in any assessment. It is noted that there are no objections from this neighbour. There is no impact on other neighbours with regard to the rear extension.

The extension is considered to be acceptable and complies with UDP Policies EN1/2, H2/6 and CF1 in terms of residential amenity.

**Access and Parking** - The existing parking and access arrangement would not change. Although parking is limited, the synagogue is a small local facility serving the immediate community who would normally walk to the premises. Car born worshippers would be few and mostly be disabled.

The proposal does not cause so detrimental an impact as to warrant refusal and as such, it is on balance acceptable and complies with UDP policies listed above.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions and Reasons:**

- 1      The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2      This decision relates to drawings numbered 001/1, 002/1 and 003 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3      The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
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Tom Beirne      02/03/2022