

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/01/2024	Ref: 70215/FUL
Registration: 23/11/2023	LDfC: 14/12/2023	Expiry Date: 18/01/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of detached outbuilding at rear for use as living accommodation ancillary to the existing dwelling

Location: 61 Wingate Drive, Whitefield, Manchester, M45 7GX

Description

The property is a two-storey semi-detached house with drive to the front and garden to the rear of the dwelling. There is planting along this boundary as well and there is an existing single storey extension to the rear close to the boundary with the attached neighbour. The adjacent neighbouring properties, No. 63 (attached) and No. 65, unattached are both similar to the application property in terms of style and scale. Houses to the front are over 20m away and there are no properties to the rear. The Metrolink tracks run behind the site.

Planning permission is sought for the erection of a detached outbuilding at rear for use as living accommodation ancillary to the existing dwelling. the development would accommodate a self-contained habitable space and would measure 5m by 8m. The structure would be constructed with bricks and roof tiles to match the materials of the existing house. The development would have a pitched roof with eaves at 2.6m high and a ridge height of 3.72m.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objection received.

Comments

- Close to the boundary, there will be damage to the roots
- Obstruction of views
- The brick structure is out of keeping, most garden structures are small and wooden.
- Privacy concerns due to proximity
- The guttering may over hang, creating an inadvertent trespass.
- It would be visible from the public footpath and there are more trees on the Metrolink side that are close enough to be considered a fall risk.

Statutory/Non-Statutory Consultations

Transport for Greater Manchester - No comments.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Visual amenity

UDP Policy H2/3 and SPD 6 Alterations and Extensions to Residential Properties seek to

achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed outbuilding would be situated at the rear and would be set back from the main dwelling by a suitable distance and as such would not be readily visible from the public arena. The development would be a simple and unobtrusive design and would not detract from the character of the dwelling.

With a length of 8m and a width of 5m the structure would not be extensive for a domestic outbuilding, particularly given the size of the plot. Additionally, the development would be setback from the shared boundaries and there would be no properties to the rear. In terms of materials, the use of matching bricks and roof tiles would be considered appropriate and not unusual for an outbuilding.

It is therefore considered that the proposal therefore complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy the single storey structure will be positioned such that it would be facing towards the main house and there would be no property directly to the rear of the site. Furthermore, there would be no proposed side windows on the outbuilding facing the adjacent neighbours. Windows in the front of the building would be no worse positioned than any other outbuilding's position. Therefore, the proposed development would not overlook any of the adjacent dwellings. It is therefore considered to be acceptable and complies with adopted guidance in SPD6.

The proposed outbuilding is single storey and therefore overshadowing would not be seriously excessive above and beyond the existing situation. The proposed development would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal would not affect the existing parking arrangements above and beyond the recent approved planning permission as mentioned above.

Comment to objection

This report have addressed the main concerns highlighted by the objecting party. The proposed development would not lead to any significant or detrimental impact on the amenities currently enjoyed by the adjacent neighbours and as such would be acceptable.

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 dwg no. 1, dwg no. 2, dwg no. 3, dwg no. 4, dwg no. 5 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 (main dwelling).
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u> MW 12/1/24	<u>Date</u>	<u>Sign off Officer</u> DM 12/1/24	<u>Date</u>
-----------------------------------	-------------	---------------------------------------	-------------