

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/08/2023	Ref: 69725/FUL
Registration: 14/06/2023	LDfC: 28/07/2023	Expiry Date: 09/08/2023
Site Visit: 11/07/2023	Site Notice: N/A	Press Date: 06/07/2023
Objections: 2	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of one detached house to be accessed from Higher Lane

Location: Land adjacent to 73 Higher Lane, Whitefield, Manchester, M45 7EZ

Description

The application follows a recent approval for a new dwelling with access onto Higher Lane, approved in 2022. The site is a small paddock to the east of a pair of two storey dwellings comprising Nos.71 and 73 Higher Lane. No.71, facing Higher Lane, is a grade 2 listed building. The properties are set back from Higher lane, behind a 2m high stone boundary wall. There is a dormer bungalow situated to the south east and across Higher Lane are two storey houses and there is a two storey house to the east. Whitefield Golf Club is situated to the west.

The proposed new dwelling as initially approved would be sited to the east of No.71/73 Higher Lane and would have a footprint measuring W13m by D8m with an additional single storey outrigger, projecting out 2.4m on the western side of the rear elevation. The property would be two storey with a 'cat-slide' roof on the eastern side. It would be finished in red brick with a slate roof. Access would be from a newly created access point through the existing boundary wall onto Higher Lane.

The main change to the amended house type would be the extension of the east side of the house to run the pitched roof completely across to form a gable, omitting the previous 'cat slide sloping roof'. The additional volume would allow increased living accommodation within the roofspace. Additional rooflight would be added on the rear roofplane.

Relevant Planning History

02319/E - Proposed 2 no. new dwellings - Enquiry completed 29/07/2019

02527/E - Erection of 5 no. dwellings (one detached house and 4 apartments) - Enquiry completed 20/01/2021

64361 - Certificate of Lawfulness for proposed - perimeter fencing, 2 x storage containers, hardstanding to create 2 x parking spaces - Lawful Development 10/09/2019

65358 - Alterations to existing dwelling to form two apartments including window replacement and block paving - Approve with Conditions 31/07/2020

65424 - Listed building consent for alterations to existing dwelling to form two apartments including window replacement and block paving - Approve with Conditions 31/07/2020

68474 - New Dwelling - approved 16/12/2022

23/0215 - Breach of pre-commencement conditions of planning permission 68474 - application received.

Publicity

Immediate neighbours notified by letter dated 20/06/2023. Objections from occupiers of Nos.69 and 71 Higher Lane.

- Detrimental impact on privacy and increased overlooking to the rear.
- Too close to listed building and too imposing.
- Overdominant in relation to the neighbours at No.69 Higher Lane.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Conservation Officer - No comment.

Drainage Section - No comment.

United Utilities - No objection..

Environmental Health - No objection subject to conditions.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN7	Pollution Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN2/3	Listed Buildings
EN1/1	Visual Amenity
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

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.

Principle Policy and Guidance - The principle of residential development on the site was established by the previous approval. The scheme is supported by the NPPF and UDP policy and guidance.

Heritage - The listed building at No.71 Higher Lane (Broxups) is a grade II listed building. It is 17th century in origin with a symmetrical 19C frontage with later additions and alterations. No.73, the property attached at the rear, is not of special interest beyond being attached to the listed building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to give regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. This is underpinned by the NPPF which indicates that development within the setting should not cause any harm to, or loss of the significance of the asset without clear and convincing justification and that development within the setting should better reveal or preserve the significance of the heritage asset.

The issues relating to heritage and the impact on the nearby listed building were addressed in the previous application when it was considered that the house would not have a detrimental impact on the listed building.

The proposed changes to the house are on the east side and whilst would have some impact on the setting of the heritage asset to the west, this would not be significant given what has already been approved. On balance and in isolation, the proposal would comply with the NPPF and UDP Policy EN2/3 Listed Buildings.

Design and visual amenity - H2/1 The Form of New Residential Development. All new residential development will be

expected to make a positive contribution to the form and quality of the surrounding area. Factors to be considered when assessing proposals will include:

- a) the height and roof type of adjacent buildings;
- b) the impact of developments on residential amenity;
- c) the density and character of the surrounding area;
- d) the position and proximity of neighbouring properties;
- e) the materials to be used in proposed developments, especially their colour and texture.

In terms of design, the previously approved dwelling would be relatively conventional in appearance with a mainly red brick finish and slate pitched roof with a feature 'cat-slide' roof on the east side. There would be a flat roof, rendered porch on the front elevation and a flat roof single storey outrigger at the rear. The property would be set well back from Higher Lane, behind the stone boundary wall. There would be a gap of approx 10m

between the gable of the listed building at No.73 Higher Lane and the gable of the new property.

The change to the dwelling as proposed whilst not major in design terms would be significant in terms of its visual impact and its siting in relation to the property to the rear, a dormer bungalow at No.69 Higher Lane. Contrary to UDP Policy H2/1 The Form of New Residential development.

Residential amenity - As the proposed change is on the east side, the amended house type would have no further impact on the houses to the west (Nos.71 and 73 Higher Lane), than the previously approved dwelling.

The impact of the change would be more significant on the neighbour to the rear (No.69 Higher lane) whose front elevation faces that side of the proposed house with the cat-slide roof. The previous application initially proposed a much more visually dominant design that focused on a strong front elevation. This was seen as seriously overly dominant in terms of appearance, particularly in relation to the listed building at No.71 Higher Lane and the property to the rear (No.69). This was later amended to a more modest design and one that particularly scaled down its mass and volume on the east side, mainly to create a better relationship with the neighbour to the rear.

The reintroduction of a gable and increased massing on the side of the house would raise previous concerns with the design and massing. Although there is a rear garden and boundary fencing between the properties, the revised scheme would, on balance, be overdominant and unacceptable in terms of visual and residential amenity and would be contrary to UDP Policy H2/1 and guidance.

The additional rooflights at the rear whilst facing across the rear garden and would not have a serious impact on overlooking given the distance to the rear boundary.

Traffic - The access and parking/turning arrangements are not changing and this part of the scheme remains acceptable and compliant with policy and guidance

Ecology - The amended house type has not impact on ecology.

Drainage - The amended house type has not impact on drainage.

Objections - The concerns raised by the objectors have been addressed in the above report. The error in the location plan - No.69 Higher Lane being identified at No.67 is noted.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The amended house type would, by reason of the proposed change in size and

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design, be a more prominent and overly dominant feature within the site and particularly in relation to the neighbouring property at the rear. The proposal would therefore, be seriously detrimental to the visual and residential amenity. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan. EN1/2 Visual amenity and Streetscape, H2/1 The Form of New Residential Development and guidance with SPD16 - Design and Layout of New Development in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/08/2023		