

DELEGATED REPORT

Report by Tom Beirne	Date of report: 08/06/2022	Ref: 68209/FUL
Registration: 20/04/2022	LDFC: 27/05/2022	Expiry Date: 15/06/2022
Site Visit: 27/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Replacement detached house, detached summer house in rear garden, boundary fence and new driveway

Location: 26 Hillingdon Road, Whitefield, Manchester, M45 7QN

Description

This application relates to a residential plot where a detached dwelling has recently been demolished. The demolition followed an application which was approved for extensions to the former house with an outbuilding in the rear garden(67669). There are detached two storey houses on either side of the plot and directly across Hillingdon Road. The rear garden is long with detached dormered bungalows to the rear, on Ferndale Avenue.

The proposed house would be very similar in siting and scale to the previously approved scheme to extend the now demolished house. In terms of siting, the new dwelling would be in line with houses on either side. The footprint of the house would have a width of 10.5m and a total depth 17.8 which includes a single storey rear element projecting out 3.5m. The house would include accommodation in the roofspace. The roof would be hipped with a maximum ridge height of 8.1m. The new dwelling would be finished in a cream coloured render with grey tiles on the roof.

A parking area would be formed on the frontage with the dropped kerb widened to 5m to form access from Hillingdon Road.

Relevant Planning History

67281 - Raise roof ridge height to form second floor; Two storey extension at front/side/rear & single storey rear extension with balcony above; Erection of detached summerhouse at rear; New boundary wall/fence and new driveway/vehicular access - Refused 07/10/2021
67669 - Raise roof ridge height; Two storey extension at front/side/rear and single storey rear extension; Erection of detached summerhouse at rear; New boundary wall/fence; New vehicular access; Rear juliet balcony - Approved 07/01/2022

Publicity

Immediate neighbours notified by letter dated 05/05/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Condition re access.
United Utilities - No objection.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development

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.

Visual amenity - With the roof hipped and at a height not significantly higher than the properties on either side, the extended house appears to be in keeping with the general streetscape. There is a small setback on the side extension at the front that creates some articulation and, with a gap to the side boundary, reduces the appearance of terracing. The proposed render is considered acceptable as there are a number of other properties within the vicinity that have been part or wholly rendered.

The outbuilding at the rear of the garden is large in terms of footprint but is not readily viewed from the public arena. The outbuilding is single storey in height and with a pitched roof and with a 'permitted development' fallback, would be difficult to resist.

The scheme is more acceptable than the previously refused scheme and would not have a significantly detrimental impact on the character of the streetscape and this would be acceptable in terms of UDP Policy H2/3 and SPD6.

Residential amenity - The rear elevation of the dwelling has a Juliet balcony centrally positioned at first floor level at a suitable distance from boundaries and this is now considered acceptable. The neighbours on either side do not have principle habitable room windows on the side and, in line with the siting of the new house, are not seriously impacted by the new dwelling. There would be no significant overshadowing or loss of privacy.

At the rear, the neighbours are a significant distance away so as not to be seriously impacted. The single storey outbuilding, although close to the rear boundary, with a pitched roof angled away from the rear boundary, would not be so dominant as to warrant refusal. In terms of residential amenity, the proposal is acceptable in terms of residential amenity. The neighbours are concerned that the outbuilding could be used as a separate dwelling. In response, a condition would be attached to prevent this occurrence. Complies with H2/3 and SPD6 in this respect.

Parking and Access - Adequate parking could be achieved on the frontage for at least two cars. The existing bus stop on Hillingdon Road would not be affected by the alterations to the driveway. As such there are no serious issues with regard to parking on the frontage and suitable conditions would secure appropriate access and parking and comply with UDP Policy H2/3.

Trees and hedges - There are some small trees and shrubs to the rear along the boundary on either side. These are not considered to be significant and could be removed without serious harm either visually or ecologically.

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 60, 61A, 62A, 63, 65, 66, 67, 68A, 70A, 73A, 74 and 77 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 Details/Samples of finishing materials to be used in the external elevations, together

with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.

- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development/boundary treatment and as a result of any statutory undertakers connections to the new dwelling;
 - Access point for demolition/construction traffic from the adopted highway;
 - Site hoardings (if proposed) clear of the adopted highway;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
 - Parking on site (or on land under the applicant's control) of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both periods.

The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the demolition/construction periods, in the interests of highway safety.

- 5 The revised access, car parking and bin storage arrangements indicated on approved plan references HR26 68 Revision A & HR26 73 Revision A, incorporating the retention of the existing footway crossing, provision of fencing at the front of the property to the limits shown and new driveway in a permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented to the satisfaction of the Local Planning Authority prior to the dwelling hereby approved being brought into use and thereafter maintained available for use at all times.

Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway.

- 6 Before the first occupation of the new dwelling hereby permitted, all windows on the side elevations shall be fitted with obscured glazing (min obscurity level 3) and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 The Form of New Residential Development.

DELEGATED REPORT

- 7 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 8 The proposed outbuilding in the rear garden hereby approved shall only be used for purposes ancillary to the main dwellinghouse.
Reason. In the interests of residential amenity pursuant to UDP Policy H2/1 The Form of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	08/06/2022		