

DELEGATED REPORT**Report by** Amanda**Date of report:** 20/01/2023**Ref:**69077/FUL

Uhunmwagho

Registration: 25/11/2022**LDfC:** 30/12/2022**Expiry Date:** 20/01/2023**Site Visit:** 29/12/2022**Site Notice:** N/A**Press Date:** 08/12/2022**Objections:** 0**Con Area:** ALSA**Adv Type:** CA**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Single storey rear extension with pergola**Location:** 6 Pinfold Lane, Whitefield, Manchester, M45 7JS**Description**

The application relates to a large semi-detached red brick house within a large garden on a residential road of similarly large properties. The dwelling is within the All Saints Conservation Area. It is referenced in the All Saints Conservations Area Appraisal and Management Plan as part of a group of dwellings, 4-16 Pinfold Lane, that are buildings of significance and as such are considered to be a Non-Designated Heritage Assets.

Planning permission regards a similar single storey rear extension was previously approved on 04/10/2021. The difference between the two applications is that the current proposal is for a smaller single storey extension and a covered patio area to the rear. Overall the extension would not project any further from the rear of the dwelling than the existing extension does. The rear corner, which is currently chamfered would be squared off so the side elevation would be extended by 655mm. The roof would be flat with stone coping along the top of the wall and there would be a roof lantern installed central to the flat roof. There would be a single high level window to the side elevation with patio doors to the rear leading to the new patio.

The patio, with pergola, would be created where the existing garage is. It would project 3.27m from the rear of the extension and it would measure 4.84m wide. Due to the property having a higher floor level to the ground at the rear the patio area would be 785mm above the ground level. It would have a glazed balustrade and steps at the rear leading down to the garden. The pergola would measure 2.98m high as measured from the floor level of the patio.

Relevant Planning History

65504 - Conversion of existing garage to living space with alterations to single storey roof;

Erection of outbuilding in rear garden - Withdrawn - Invalid 18/11/2020

67320 - Single storey extension at rear - Approve with Conditions 04/10/2021

21/0210 - Untidy land - 18/06/2021

Publicity

Neighbours notified on 29/11/2022 - No comments or objections received.

Press advert - 08/12/2022

Site notice erected - 15/12/2022

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework

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.

The main considerations of this application are the impact of the proposal on visual and

residential amenity.

Visual Amenity and Conservation Area -

SPD 6 and UDP Policy H2/3 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.

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. This is reflected in UDP Policies EN2/1 and EN2/2 as a saved policy and following the publication of the NPPF these are consistent with NPPF.

Paragraphs 192, 193, 194 and 196 of the NPPF state that in when considering the impact of the a proposed development LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness. The properties in this area have been identified as being significant buildings that make a positive contribution to the character of the Conservation Area and is included within the draft Local List. The premises is considered to be a non-designated heritage assets and as such when considering the application, the effect of the application on the significance of the dwelling should be taken into account in line with paragraph 197 of the NPPF.

The proposed extension would be single storey only and would be built on the rear elevation of the existing property meaning it would not be visible in the public arena along Pinfold Lane. The proposed works including the design of the proposed extension and the finished materials, would compliment the existing property.

The design of the proposal is considered acceptable in this location and the proposal would preserve the character of the Whitefield All Saints Conservation Area and would complement the existing dwelling. The proposal would therefore comply with the Bury UDP Policies EN2/1 - Character of conservation area, EN2/2 - Conservation area control, H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties and also the NPPF.

Residential Amenity -

- There would be over 20m from the rear of the patio and single storey extension to the rear boundary which would be more than sufficient in terms of SPD 6. In addition there is dense planting to all of the rear boundaries which would screen views to and from the new extension.
- No.8 Pinfold Lane has also been extended to the rear and there is a conservatory on the rear of that. As the proposed extension would not project beyond the rear of the neighbour's conservatory there would be no significant detrimental impact on residential amenity at no.8 next door.
- The main windows would be to the rear of the proposed extension with one high level window to the side. This would ensure privacy levels would be retained between the extension and no.4 Pinfold Lane next door. There is also a tall hedge along the shared boundary with no.4 next door. As such there would be no significant detrimental effect on residential amenity at this particular property.
- The position of the proposed extension would not impact existing parking arrangements to the front of the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking

Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the site.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 ZT21-196-00, ZT21-196-01, ZT21-196-02 and ZT21-196-03 received on 15/11/2022 and revised drawing numbered ZT21-196-04 received on 09/01/2023 as modified by the email from Thorp Design Services Ltd dated 09/01/2023. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 20/01/2023			