

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 10/06/2022

Ref:68229/FUL

Registration: 18/03/2022

LDFC: 27/04/2022

Expiry Date: 13/05/2022

Site Visit: 08/04/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Landscaping changes to allow for two parking spaces at the front garden as well as a shared stair with adjoining property, removal of side door, plus relocation of one door at rear, and enlarged garage

Location: 100 Park Lane, Whitefield, Manchester, M45 7PT

Description

The application relates to a large two-storey detached house on a residential street of broadly similar properties, notably elevated above the highway. Both neighbours have long driveways at the front of the property with sufficient space for 2 or more cars, which is typical for this street. The front garden previously contained extensive trees and shrubbery although much of this had been removed prior to the site visit, while the rear boundary comprises existing 2m high panel fencing.

Planning permission is sought for:

- Landscaping changes to allow for two parking spaces in the front garden,
- A shared stair constructed along the shared boundary with adjoining property at No.98 (Certificate B has been supplied),
- Removal of side door*,
- Relocation of one door at rear*, and
- Enlarged garage which would project forwards by 42.5cm*.

Amenity distances are not considered to be applicable in the assessment of this application due to there being no new habitable windows being proposed and the footprint remaining as existing with the exception of the slightly enlarged garage. All changes are at ground floor only.

*It should be noted that during a site visit it was evident that some elements of the proposal are already constructed or under construction including the removal of the side door, relation of rear door, and enlarged garage. This are be considered to be retrospective elements.

Relevant Planning History

63758 - Single storey porch extension at front with extension of existing first floor balcony above; Single storey extensions at sides; Dormers at front and rear; Conversion of ground floor store room into garage and widening of the existing driveway at front - Approved 19/03/2019.

67487 - Variation of condition 2 following approval of planning permission 63758- Garage front wall is proposed to be in line with main building, landscaping changes, rear dormers slightly enlarged and all faces of property are proposed to be rendered - Split decision 20/10/2021.

Proposal A: This decision relates to numbered drawings. This aspect of the development proposal complies with policy.

Proposal B: The proposed landscaping and car port would fail to meet the requirements of Section 73 of the Town and Country Planning Act 1990 (as amended). This aspect of the development proposal is unacceptable.

Publicity

Immediate neighbours notified by letter dated 05/04/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extensions and alterations would be generally in-keeping with the existing house. Situated at the front, the two proposed parking spaces, shared stair, and enlarged garage would be readily visible from the public arena, although the siting, design, and scale is considered to be appropriate for this property and streetscene.

Situated at the side and rear, the proposed alterations involving the removal of the side door and relocation of one door at the rear would not be readily visible from the public arena, although the siting and design are considered to be appropriate for this property.

Materials would match existing plus light coloured rendering which is considered to be an appropriate modern appearance for this type of property and streetscene. The existing 2m high panel fencing along the rear boundary would further reduce the impact on the residents to the rear. In this respect the proposed extension and alterations complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

All changes are at ground floor only. There are no new side windows proposed and there are no changes to the footprint other than the slightly enlarged garage which would project forward by 42.5cm.

The position of the proposed shared stairs is such that it would not directly overlook either dwelling's main habitable windows. No objections were received.

In terms of the general prominence and impact on daylight the proposed garage extension is set to the south of the main house and is to the west of No.98. Any overshadowing would not be seriously excessive above and beyond the existing situation. The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would involve the reconfiguration of the existing parking

arrangements with two spaces provided horizontally to the highway but entirely within the site. This would result in one net additional off-road parking space and generally provides greater provision for turning and exiting the site in forward gear. In terms of drainage the proposed parking incorporates Aco channels and Gravel edging to help with dispersing surface water.

The proposal would see no change in the number of bedrooms (currently 4) although SPD6 normally requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this low access area. Existing on-site parking provides 2 parking spaces while the proposed development provides the maximum parking capacity allowed at 3 car spaces, and there is additional parking available on street. Given the situation and the proposed reconfiguration to parking layout resulting in a net increase of one parking space but within the maximum allowed, it is therefore considered that the parking arrangements are sufficient. The proposed alterations to the parking layout would therefore be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion - In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and would comply with UDP Policy H2/3 with associated guidance in SPD6, and UDP Policy HT2/4 with associated guidance in SPD11.

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 PL_001 RevC, PL_002, PL_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 plus light coloured rendering.
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.
- 4 The development hereby approved shall not be brought into use unless and until the parking arrangements and measures to prevent the discharge of surface water onto the adjacent adopted highway indicated on approved plan reference PL_001 Revision C have been implemented.

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Reason. To maintain the integrity of the adopted highway, in the interests of highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR 10/6/22			