

DELEGATED REPORT

Report by Amanda

Date of report: 06/01/2023

Ref:68432/FUL

Uhunmwagho

Registration: 11/05/2022

LDfC: 21/06/2022

Expiry Date: 06/07/2022

Site Visit: 24/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: New outbuilding in place of original outbuilding, already demolished

Location: 13 Windsor Road, Prestwich, Manchester, M25 0DZ

Description

The application relates to an outbuilding to the rear of 13 Windsor Road, Prestwich. The owner of the property has previously demolished an existing garage and rebuilt a detached outbuilding over the same footprint as the original garage.

The building measures 3.29m x 8.42m and the roof is pitched. It has been rendered and painted blue.

Relevant Planning History

65307 - Single storey extension at side and rear - Approve with Conditions 22/06/2020

21/0412 - Not being built in accordance with approved plans of planning permission 65307 - 11/05/2022

Publicity

Neighbours notified on 30/05/2022 - One objection received. The objections is shown below.

The building has already been demolished and was rebuilt without planning permission in 2021. The plans in the submission are inaccurate and misleading.

Our complaints are:

- 1) The roofline and guttering of the new building crosses the property dividing line and overhangs our garage roof. This prevents us from building upwards on our property and impedes the maintenance of our garage roof.
- 2) The previous footprint was not in line with the fence. It was to the left of the fence. Inspection will show that.
- 3) The rain gutter dumps the water into shared waste ground behind the houses, not into a drain, undermining shed foundations at the rear.

This property line issue was brought to the Radnan's attention during construction; our concerns were ignored and building continued. We explained this to the Planning Office.

This retrospective planning permission was submitted only after we complained. We require the roof to be corrected and the prior property line to be honoured.

Following the site visit it was clear that although the main part of the building has been built within the site boundary the gutter does appear to overhang the boundary fence (as it is erected on site). As such the applicant served notice on the next door neighbour on 16/08/2022 and Certificate B was signed and submitted to the Development Management

team.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
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. 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 -

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.

The outbuilding has been built in the same position as where the original garage was. The main difference is that there is a single access door to the front, replacing a vehicle access door, the roof is now pitched and the walls have been painted blue.

The design of the proposal is considered to be acceptable in this location and is what would be expected of a garage, or outbuilding within a domestic site. Although the blue colour would not be considered in-keeping with the main dwelling on the site, the outbuilding is located to the rear of the site and not openly visible in the streetscape along Windsor Road to the front. It is also take in to account that the building could be painted without the need for prior planning permission. With this in mind the finished materials of the proposal are considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

The outbuilding is considered to be a sufficient distance to properties to the rear and south west side of the site not to have any significant detrimental impact on residential amenity at those properties and gardens.

Although the garage conversion means one parking space has been lost within the site boundaries, there would be more than enough drive length to park one/two vehicles within the site. In addition, there are no parking restrictions to the highway in front.

Following a site visit it was found that although the main part of the building has been built within the site boundary, the gutter to the north east side does overhang the boundary with no.15 Windsor Road next door. As such, the applicant served notice on the next door neighbour on 16/08/2022 and Certificate B was submitted to the Development Management team.

By serving notice on the affected neighbour the applicant has fulfilled the requirements in terms of processing the planning application and any concerns regards the overhanging of the gutter would be a civil matter which would need to be addressed by the applicant and their neighbour privately.

Following concerns regards where the gutters would drain to revised plans were requested to show this information. A revised drawing was submitted on 05/01/2023 showing that there would be two downpipes from the gutters, which would ensure that any rain water would flow in to the existing drainage system within the site curtilage. This would ensure that future flooding would not be a concern within the site, or to adjacent land.

Taking the above in to account the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

Parking -

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

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Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

Response to neighbour objection -

As the applicant served notice on the neighbour on 16/08/2022 there is no other requirement in terms of being able to process the application. The neighbour and the application would need to discuss the concerns regards encroachment as a civil matter.

One of the reasons for objection is that water from the gutter spills out on to shared waste ground behind the houses and not in to a drain. They believe this would undermine the shed foundations at the rear. This concern has been addressed with the submission of a revised drawing on 05/01/2023, stating that rain water from the new gutters would drain in to the existing drainage system within 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 This decision relates to drawings numbered 001 and 002 received on 11/05/2022 and revised proposed drawing numbered 003 Revision 1 received on 05/01/2023 as modified by the email from IRP Architecture Ltd dated 05/01/2023. 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 policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in 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 - 06/01/2023			