

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/11/2022	Ref: 68725/FUL
Registration: 27/07/2022	LDFC: 15/09/2022	Expiry Date: 21/09/2022
Site Visit: 04/10/2022	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: HOUS

Proposal: Detached garage and storage building with walk-on flat roof and glazed balustrades to perimeter. New vehicular dropped crossing with gated vehicle entrance and associated landscaping

Location: 4 Castle Hill Road, Prestwich, Manchester, M25 0FR

Description

The application relates to a large detached house within a very large garden on a road of similar styled properties. The existing house is currently being extended.

The application proposes to create a new access from Castle Hill Road and a driveway to a detached garage at the side of the house. The existing wall would remain at the same height and the new gates would be set back to create a visibility splay and a new 2m high wall would be set about 2.5m behind a planting strip. This wall would serve partly as a retaining wall as the levels rise into the site. The garage would have a footprint measuring 11m by 10m and could accommodate four cars. It would have a 'walk-on' flat roof to a height of 3m and finished in a cream render. There would be a glass balustrade around the roof.

Relevant Planning History

68175 - Raised ridge height of roof and Two storey extension at rear - Approved
05/05/2022

Publicity

Immediate neighbours notified by letter dated 25/08/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations
SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 - The proposed garage would be set back well into the site, behind the existing boundary wall and would not be visible from the streetscape. The new access and gates would match the existing boundary wall and would not appear incongruous within the streetscape. Complies with UDP Policies H2/3 and EN1/2 and guidance.

Residential amenity - With a 6m high conifer hedge running around the side and rear garden, any structure would be totally screened from neighbours. The garage roof is a 'walk-on' roof with balustrade but given the levels, position in relation to the neighbour at No.2 Castle Hill, there would be no direct overlooking of neighbours. The proposal, in terms of residential amenity complies with UDP Policy H2/3 Extensions and Alterations.

Access and Parking - There is no objection from the Highways Team. The access arrangements and parking within the site are acceptable and comply with UDP Policies H2/3 and EN1/2 and guidance.

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

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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 37/21-04, 08, 37/21-50, 51, 52A, 53 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 During construction, a storage area for the construction materials shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety.
- 4 The new access and car parking arrangements indicated on approved plan reference 37/21-52 Revision A, incorporating the provision of a double footway crossing to limits to be agreed on site with the Highway Authority, splayed walls as shown to provide adequate visibility at the back edge of the footway, motorised turntable, hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and gates that do not open beyond the limits of the site boundary shall be provided to the satisfaction of the Local Planning Authority prior to the new driveway and garage 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	2/11/2022		