

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 25/05/2023	Ref: 69400/FUL
Registration: 20/04/2023	LDFC: 29/05/2023	Expiry Date: 15/06/2023
Site Visit: 05/05/2023	Site Notice: 05/05/2023	Press Date: 04/05/2023
Objections: 0	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Alterations to the lower ground and ground floor level fenestration on the north and east elevations

Location: 17 Prestwich Park Road South, Prestwich, Manchester, M25 9PF

Description

The application relates to a semi-detached residential dwelling which is within St Mary's Prestwich Conservation Area and is considered as a Non-Designated Heritage Asset on the Council's Draft Local List.

The dwelling is split level, being 3 storey at the front and where the land elevates at the rear is 2 storey. The dwelling is set back approx 27m from the highway and is in an elevated position accessed by stone steps.

The application seeks external alterations to the lower ground and ground floor fenestrations comprising replacement and new openings in the lower ground floor and side elevations. The frames would be powder coated aluminium with a white external finish to match the existing.

Relevant Planning History

N/A

Publicity

Adjacent properties notified 26/4/23.

Site notice posted 5/5/23

Press advert 4/5/23

No responses received

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
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.

Conservation matters and visual amenity - Section 72 sets out the duties imposed upon a Local Planning Authority in respect of Conservation Areas in exercising its planning functions.

The NPPF advocates positive strategies for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The proposed new openings and replacement windows would be in keeping with the

historical character of the dwellinghouse. The proposed frames would be aluminium which is a slimline design and effect and not dissimilar in proportions or appearance to the existing timber frames which would be acceptable. The external frames would be finished in white to match the existing.

It is therefore considered the proposed development would not harm the significance of the NDHA or the Conservation Area.

As such the proposed development would comply with policies EN2/1, EN2/2 and the principles of the NPPF.

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 Block and location plans J839 16; Existing lower and ground floor plans J839 01; Existing upper floor plans J839 02; Existing section and east elevation J839 03; Proposed lower and ground floor plans J839 10; Proposed section and east elevation J839 11A 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 comprise powder coated aluminium frames with the external frames finished in white to match the existing.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	25/5/23	DM	01/06/23