

DELEGATED REPORT

Report by Amanda

Date of report: 12/10/2023

Ref:69761/FUL

Uhunmwagho

Registration: 28/06/2023

LDfC: 20/07/2023

Expiry Date: 23/08/2023

Site Visit: 19/07/2023

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Conversion of existing garage including removal of garage door and installation of window / door to garden room; Formation of parking area; erection of replacement boundary fence and external alterations

Location: 127 Bury Old Road, Prestwich, Manchester, M25 0EQ

Description

The application relates to a detached bungalow which fronts onto Bury Old Road. Access to the rear of the property is via a private driveway to the rear, accessed from Parkfield Avenue. No.1 Parkfield Avenue and no.129 Bury Old Road also have access to the rear of their properties from the same access road. At the rear of the property there is a flat roof garage and store, which are attached to the main dwelling. The front of the garage is set back from the boundary with the access road by around 2.4m.

To the north side of the garage is an existing concrete driveway and a car port has been partially removed. There is vehicular access all the way around the side of the dwelling to the front of site. Along the rear site boundary there is a timber fence and gate for access to the garden.

The proposal is to convert the existing garage in to a garden room. The existing door and window to the side elevation would be removed and a new window/door would be installed to the side elevation overlooking the garden. The existing concrete driveway would be replaced with a tarmac driveway in the same location, and a new 1.8m high boundary fence with pedestrian gate would be erected to the rear of the converted garden room which would be the same height as the existing boundary fence.

Relevant Planning History

N/A

Publicity

Six neighbours notified on 29/06/2023 - Two objections received.A summary of the objections is listed below;

- For the whole of their residence at their property everyone using the passageway (access road) has been able to use the turning circle at the top.
- Use of the turning circle would be severely restricted by the new wall. Nobody would be able to turn around at the top of the access road.
- They have been informed that the new wall wouldn't be in the correct place and needs to be moved back by 9 feet so they have full access of the right of way according to original documents.
- There are 2 elderly couples who use the space and struggle as it is. This would make is even harder for them.

- A solicitor's letter was also received on behalf of one objector which included land ownership concerns. They questioned the ownership of part of the existing rear garden on site as well as where the new development would be.

Revised drawings received on 15/09/2023 and 20/09/2023. The objectors were emailed the revised drawings on 20/09/2023 - One neighbour emailed to advise they were on holiday and as they aren't qualified to understand plans they suggested that they wouldn't be able to return comments by the 27th September 2023. An email was sent to them on the same day explaining what the amendments were to the drawings as well as advising them that any objection regards land ownership would be a civil matter and not something the Development Management team would have any jurisdiction over. No further comments were received after 20/09/2023.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - Not relevant.

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.

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.

As the garage is to the rear of the dwelling it would only be visible by a few neighbouring properties, and anyone using the access road to the rear of the site. It would not be visible in the public realm along Bury Old Road at all.

The proposed white render to the walls would be considered to be in keeping with the render to the rear of the existing dwelling. As such it would not appear out of keeping in this location.

The fence and gate would be timber and built to the same height as the existing fence along the rear boundary.

The proposed driveway materials would not have any significant detrimental impact on visual amenity in the area.

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 proposed drive spaces as indicated on the proposed drawings are in the same position as the existing driveway, and there is further space along the side of the dwelling if extra parking is required. As such despite the removal of the garage there would be no significant detrimental impact on parking within the site.
- The driveway would be finished in tarmac, which is not porous. However, the agent has advised that there is an existing rainwater drain adjacent to the driveway and there is also a soil border along the north side which would act as a natural soakaway. As such there would be no concerns regards flooding on to the shared access road to the rear of the site.
- It could be possible to convert the garage in to living accommodation as permitted development. However, as it wouldn't be extended any further to the north of west it wouldn't have any significant detrimental impact on the access road to the rear or residential amenity at no.129 Bury Old Road to the north.
- The existing store window would remain to the north side elevation and the only opening in the garage conversion would be patio doors to the south which would overlook the applicant's own rear garden only.
- The new 1.8m high fence and gate would be erected at an angle to the rear of the garden room in order to maintain visibility for car users moving off the driveway on to

the access road to the rear. This would be to ensure safety of other vehicles and pedestrians.

- The new fence would be the same height as the existing fence along the rear boundary.

Taking the above into account 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.

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 drive way to the north side of the dwelling.

Response to neighbour objections -

The application form originally submitted did advise that the boundary treatment would be a white rendered wall and this was also shown on the proposed drawings. However, revised drawings received on 15/09/2023 and 20/09/2023 show that the applicant now intends to erect a 1.8m high fence and pedestrian access gate rather than a wall. An email was sent to the agent to confirm that the boundary had been amended to fencing. They replied on the 29/09/2023 confirming this.

The position of the new fence would not extend on to land beyond the applicant's ownership. As such it is considered there would not be any significant detrimental impact on the ability to manoeuvre a vehicle around the access road to the rear.

Any right of way in this location is a private right of way. As such the Council would have no jurisdiction regards its use. If the neighbours have any concerns regards this they would need to discuss it with the applicant directly.

Similarly, any land ownership disputes would be a civil matter and not one that would affect the planning decision. The applicant has submitted details of land in their ownership and signed certificate A has been signed and submitted with the application. This is all that is required in terms of the planning application being able to be assessed. If the applicant has knowingly signed an incorrect certificate they could face legal action in the future.

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 1598-01 and 1598-04 received on 13/06/2023, drawing numbered 1494-04 received on 29/06/2023, revised drawing numbered 1598-02B received on 15/09/2023 and revised drawing numbered

1494-06A received on 20/09/2023 as modified by the emails from Hogan Drawing Shop dated 15/09/2023 and 20/09/2023. 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.

- 3 The external finishing materials for the garden room hereby approved shall be white render and the new boundary fence shall match the existing rear boundary fence..

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 - 12/10/2023			