

DELEGATED REPORT

Report by Helen Pressley	Date of report: 15/04/2025	Ref: 71549/FUL
Registration: 10/02/2025	LDFC: 05/03/2025	Expiry Date: 07/04/2025
Site Visit: 01/04/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension and rebuild existing external wall of existing side extension

Location: 106 Kings Road, Prestwich, Manchester, M25 0FY

Description

The application relates to a semi-detached property, located on a corner site on the junction of Fort Road and Kings Road. The property is utilised as a place of worship. The property currently has existing single and two storey rear extensions. The site is located in a primarily residential area.

Planning permission is sought for the removal of one of the single storey rear extensions, and for a replacement extension that projects approximately 2040mm from the rear elevation of the existing two storey flat roof extension, and would run the extent of the width of the existing property. The proposed extension would have a lean to style roof. The proposed extension would be utilised to provide toilet facilities at ground floor.

The application is a resubmission of application 71148 that seeks to reduce the projection of the proposed extension by 750mm.

Relevant Planning History

70758 - Lawful development certificate for existing use as place of worship (F1) - Lawful Development 09/07/2024

71148 - Single storey extension at rear and rebuilding of external wall of existing side extension - Refused 20/11/2024 Appeal Pending.

Publicity

Letters sent to neighbouring properties 11/02/2025.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - redundant footway crossing onto Fort Road should be reinstated to adjacent footway levels as part of this proposal.

Environmental Health - Contaminated Land No comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control No response

Waste Management No response

Greater Manchester Ecology Unit - Application is exempt from BNG under the de minimis rule. No works should be undertaken during the main bird nesting season unless suitable checks for active birds nests have been undertaken. Measures to enhance biodiversity should be secured as part of the application and could include the integration of bat or bird boxes.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
H2/3	Extensions and Alterations
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6/3	Features of Ecological Value
JP-C5	Streets For All
JP-C6	Walking and Cycling
HT2/4	Car Parking and New Development
NPPF	National Planning Policy Framework

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Layout and Design

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. Due to the nature of the proposal, attached to an existing semi-detached dwelling it is considered that UDP Policy H2/3 and associated SPD 6 are also relevant to this proposal when assessing design. 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 proposed extension would replace an existing single storey lean to style extension in a similar location however the proposed extension would cover the whole of the rear yard area to the rear of the site abutting the rear boundary with No. 2 Fort Road. The proposed extension would be largely screened from public vantage points by the existing hedging and any glimpses of the extension would replicate a similar amount of built form as currently visible. As such it is considered that the design of the proposed extension is acceptable in terms of visual amenity.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. Due to the nature of the proposal, attached to an existing semi-detached dwelling and residential dwellings to all sides, it is considered that UDP Policy H2/3 would also be relevant. Policy H2/3 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There are no adopted aspect standards for extended commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

The proposed rear elevation would run parallel with the boundary with No. 2 Fort Road and would extend across the extent of the shared boundary with this property. The current rear extension faces towards a section of blank wall associated with this property and is also set off the shared boundary. The proposed rear extension would now extend further along this side elevation, across what appears to be a side, ground floor dining room window associated within No. 2 Fort Road, and some high level windows associated with the basement.

Dining room windows are considered to be habitable room windows. It is noted that this window is located within a side elevation and SPD 6 does state "less weight will be afforded to habitable room windows located on side elevations." The previous application was refused due to the impact of the proposal on this window. Unlike the previous application,

this application has been supported by a plan that shows the windows and layout of the adjacent property at No. 2 Fort Road that indicates that the window that would be most impacted by the proposal is a secondary window, with the principle window located on the front window.

Compared to the previous proposal, this proposed extension is also sited off the shared boundary allowing this window to maintain a better outlook and therefore the proposal would have a less overbearing relationship than was previously demonstrated.

Due to the additional information submitted in support of this proposal that indicates that the side window is not the only window for a habitable room, and the decrease in footprint of the proposed extension it is considered that the proposal would be acceptable.

The attached dwelling at No. 104 Kings Road has an existing single storey rear extension located adjacent to the shared boundary. The proposed extension would not project more than 3 metres beyond the rear of No. 104 as extended and is therefore considered to be acceptable.

Highways and Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and UDP Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The use of the site has already been established through a lawful development certificate. The proposed extension would provide replacement toilet facilities at the ground floor and would not increase the capacity of the site and the site currently has no on site parking provision. The proposal would not amend the access to the site.

A redundant footway crossing onto Fort Road is located to the side of the proposed extension. It appears that this access was abandoned between 2009 and 2012 following the construction of the existing timber single storey rear extension that does not appear to have been granted planning permission. A substantial hedgerow is now established adjacent to Fort Road in this location. The Local Highway Authority have requested that this footway should be reinstated to adjacent footway levels as part of this proposal. A condition is therefore attached to ensure that the specification of these highways works are submitted within 3 months of the date of the decision.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

No ecological information appears to have been submitted with the application and therefore my advice is based on a review of aerial photography and Google Street View, plus photographs of the site.

The site comprises a singular building and extension works are proposed. In general, the site holds very limited ecological value with the exception of potential for bat roosts within the building.

The plans indicate that works to single storey extensions are proposed only and they contain flat roofs which are generally less suitable for roosting bats than pitched roofs with loft spaces. The existing roof of the main building will not be impacted. Based on this, the proposal is likely to be of very low risk to bats. However, as bats are highly mobile creatures, GMEU have requested in informative is added in relation to bats and Habitat Regulations.

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The de-minimis exemption applies to this site, as less than 25 square metres of habitat would be lost through the proposal as the proposal would utilise an area occupied by an existing building, and hardstanding.

In addition to the above GMEU have requested that works that would impact on habitat where nesting birds may be present (for example building demolition, works to/or removal of trees/shrubs), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.

Planning policy also encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application and as such a condition requesting bat or bird boxes is proposed.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. The applicant has confirmed that the property will comply with the U-values specified in Approved Document L, Table 11, ensuring that it meets the required standards for thermal efficiency. Additionally, energy-saving lighting with timers will be installed, along with water-saving devices on all sanitaryware to further promote sustainability. As such, the proposal is considered to comply with the intentions of this policy.

Digital Connectivity

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The existing building is already served by full fibre internet

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 numbered Location Plan, GSS23135.10 006,

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GSS23135 002, GSS23135. 10 502, GSS23135. 10 003 Rev 1. 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 and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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.

- 4 Notwithstanding the details shown on the approved site plan measures to reinstate the abandoned crossing onto Fort Road to adjacent footway levels shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the date of the decision. The details subsequently approved shall be implemented prior to the occupation of the extension hereby approved.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 5 No works to trees or shrubs or demolition shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 Prior to occupation of the development hereby approved the applicant shall install bat boxes or bird boxes within the existing or proposed buildings.

Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	15/04/2025	DM	23/04/25