

DELEGATED REPORT

Report by Helen Pressley	Date of report: 08/03/2024	Ref: 70506/FUL
Registration: 13/02/2024	LDFC: 07/03/2024	Expiry Date: 09/04/2024
Site Visit: 07/03/2024	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: HOUS

Proposal: Removal of existing garage/side porch and erection of single storey extension at side/rear; Erection of boundary fence at rear and formation of replacement driveway/vehicular access off Roseland Drive

Location: 37 St Margarets Road, Prestwich, Manchester, M25 2GT

Description

The application relates to a semi detached property on a corner plot. The site is located on the junction of St Margaret's Road and Roseland Drive. The site currently has an area of amenity space to the front and the side, with a driveway located to the rear of the site accessed from Roseland Drive. The premises has an existing single storey detached garage and single storey rear extension. The boundary of the site is depicted by a hedgerow.

Planning permission is sought for the removal of the existing access, and single storey garage and for the creation of a new access closer to the junction with St Margaret's Road. Permission is also sought for a single storey side/rear extension that projects approximately 2.2 metres to the side of the existing dwelling and would extend in line with the existing single storey rear extension.

Relevant Planning History

None

Publicity

Neighbour letters sent 14/02/2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to conditions in relation to the implementation of the new driveway and storage of materials.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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.

On corner plots SPD 6 seeks to maintain a minimum distance of 2 metres between the back of the public highway and the side wall of a proposed extension. The proposal would maintain a distance of 3.8 metres complying with SPD 6. The proposed hipped roof is considered to be acceptable and the use of matching materials would be in keeping with the original property. The proposed windows are considered to be suitably aligned.

The proposed plans show that the existing access will be removed, and that the existing hedge will be extended along this boundary. A new driveway will be installed closer to the junction. The removal of the existing access and garage will provide a larger area of private

amenity space for the property and as the existing hedge will be retained it is considered that the new access would not have a detrimental impact on the character of the street scene.

It is considered that the proposal would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed extension would project beyond the front elevation of No. 2. However, due to the distance to the shared boundary, and the intervening garage of No.2 and front door the proposal would not impact on a 45 degree line as taken from the midpoint of the nearest ground floor habitable room window.
- Proposed extension would be separated from No. 35 by a highway.
- Proposed extension would not project any further to the rear than the existing rear extension as such the residential amenity of the attached property, No. 39 would be maintained.
- Proposed windows relate to a non-habitable space (kitchen) and would be screened by boundary treatments in any event.
- Due to the nature of rooflights no overlooking is foreseen.
- The proposed new driveway would retain 1. no off street parking space as per existing. No additional bedrooms are proposed as result of the development.
- Highways have reviewed the siting of the proposed access and have raised no objections subject to conditions in relation to the implementation of this access.

The proposal is therefore considered to comply with UDP Policy H2/3 and SPD 6.

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 24-04-00-000, 24-04-00-001 R1, 24-04-00-002 R1, 24-04-20-001 R10, 24-04-20-002 R3 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 match those of the existing building.
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.

- 4 The revised access arrangements indicated on approved plan reference 24-04-20-001 Revision R10, incorporating the reinstatement of the redundant footway crossing, provision of a new footway crossing, visibility splays at the back edge of the footway to be maintained clear of obstruction above the height of 0.6m, demarcation of the limits of the adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development and following removal of the boundary treatment, shall be implemented prior to the development and new driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety 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.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose 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 pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 08/03/2024		DM 08/03/23	