

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/10/2022	Ref: 68689/FUL
Registration: 21/07/2022	LDfC: 10/09/2022	Expiry Date: 15/09/2022
Site Visit: 24/09/2022	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: MIDW

Proposal: Erection of 1no. dwelling with associated site works including soft landscaping, cycle and refuse storage

Location: 1 Hereford Drive, Prestwich, Manchester, M25 0JY

Description

The site relates to the garden of a detached 2 storey property, No 1 Hereford Drive, which is located in an established residential area and housing estate. On the other side of the site to the north east is No 39 Tewkesbury Drive whose gable is side on to the site.

No 1 is located on a corner plot with the house set in the north western part of the site fronting Hereford Drive with a large side garden which is formed on Hereford Drive and Tewkesbury Drive. The access to No.1 is from Tewkesbury Drive, close to the corner of the road which leads to driveway parking for 2/3 cars.

There is a hedge which forms the boundary of the site along Hereford Drive and Tewkesbury Drive and there are also established street trees along these streets. The application seeks the erection of a 1 no. 2 storey dwelling in the side garden of No 1 Hereford Drive.

Proposed dwelling

The plot is circa 227 sqm in area, formed on the corner of Hereford Drive and Tewkesbury Drive.

The proposed dwelling would be attached to No 1, set back approx 5.8m into the site and would follow the same front and rear building line as No 1. Due to the shape of the plot and the position of the build, there would be an irregular shaped garden. It is proposed to store bins in the side garden area.

Pedestrian access to the property would be formed from Hereford Drive. The existing access and driveway off Tewkesbury Drive, currently used by No1, would be retained and utilised as the driveway for the parking of one car for the new dwelling and one car for No 1 Hereford Drive.

In terms of appearance, the ridge height and eaves level would be a continuation of No 1 and the design and appearance of the new property and front elevation in particular would reflect that of No 1 by incorporating matching window openings and fenestration patterns and materials.

No 1 Hereford Drive

The SE elevation of this property would form the new wall of the proposed dwelling. As the side garden would be lost to facilitate the development, the private garden/amenity area for No 1 would be wholly at the rear.

In terms of parking for No 1, as the existing driveway and parking would be lost to the new

dwelling, it is proposed to provide one space to the side of the new dwelling (as described above).

The application is a resubmission following the refusal of a previous scheme (ref 67692) for 1 no dwelling which was refused for 3 reasons on grounds of

- impact on protected street trees by the position of a new proposed driveway to No 1, and therefore loss of substantial parking facilities for the existing dwelling;
- sub-standard visibility from the proposed driveway;
- over development of the site due to sub-standard garden amenity area, separation distance to the neighbouring property and inability to provide adequate parking and access for both the existing dwelling and proposed dwelling.

Relevant Planning History

67692 - Provision of new 2-storey, 2-bedroom corner dwelling with associated site works including soft landscaping, cycle and refuse storage. - Refused 18/02/2022

Publicity

Letters sent on 19/8/22 to 17 adjacent properties.
No responses received

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal on sub-standard access and parking

Environmental Health - Contaminated Land - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

United Utilities (Water and waste) - No objection

Greater Manchester Ecology Unit - Bat emergence survey submitted. No objection subject to conditions/informative.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN1/3	Landscaping Provision
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Principle - UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

UDP Policy H2/6 - Garden and Backland Development - When assessing proposals, regard will be given to the concentration of such development in the surrounding area; the relative density of the proposal to that of the surrounding area; the impact on neighbouring properties and the local environment and access arrangements.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The proposed development would be located within an established residential area and would therefore not conflict with the local environment in terms of character and surrounding uses. There is existing infrastructure in place to facilitate the development.

Acceptability of a dwelling on this site would be subject to consideration of scale, density, impact on adjacent properties and access and parking.

Layout and scale of development

As a side garden the site is fairly tight, constrained by the form and shape of the plot and the position of the adjacent houses, Nos 1 and 39.

Proposed dwelling - It is proposed to site the new dwelling to continue the front building line of No1 and align with the front of the houses on Tewkesbury Drive and this would be considered acceptable.

There would be a new pedestrian access to the dwelling created off Hereford Drive and a small front garden. The private amenity area would be to the rear of the property where a garden depth of 6.4m would be provided.

The need for carefully designed open spaces, and gardens is highlighted in the National Design Guidance and SPD6 also requires a minimum of 7m garden depth to be maintained from a 2 storey rear elevation with a 1st floor principal window. It is therefore considered that the proposed private amenity space would be inadequate and the development would provide sub-standard living accommodation.

The proposed dwelling would be sited so that the rear elevation would face the side gable of No 39 Tewkesbury Avenue and there would be a separation distance of 8m. SPD6 advises a separation of 13m and as such, aspect standards would be sub-standard.

Bin storage facilities would be provided within the site and close to the side of the new dwelling and this would be an acceptable arrangement.

In terms of parking and access, the existing driveway access off Tewkesbury Avenue would be retained although the proposed block plan appears to show this would be widened which in reality it could not be due to the position of the street tree and its roots.

There would be 2 parking spaces to the side of the new dwelling, one allocated to the new dwelling and the other for the existing property, No 1 Hereford.

In terms of parking provision for the new dwelling, for a 2 bed house in a relatively high access area, this would be just below the requirements of SPD (advised as 1.5 spaces) but on balance could be accepted. Visitor parking to this property would have to park on the street.

To No 1 Hereford Drive, there would be 2 main changes to the layout. The development would result in the loss of the side garden. However, there is a relatively large rear garden and it is considered this would be adequate to serve the property.

The more concerning change for No 1 would be to the parking arrangements. By virtue of the siting of the new dwelling, the proposed development would result in the loss of the existing access, driveway and parking for No 1. Replacement parking for No1 would therefore need to be provided, as it would not be acceptable to rely only on the street for the parking for the established dwelling which would have to forego its current parking provision for no other betterment than that of the applicant.

The applicant has attempted to overcome the total loss of parking for No 1 (and a reason for refusal on the previous scheme) by providing a space which would be located to the front/side of the new dwelling, accessed from the existing driveway.

Firstly the position of the parking space in relation to the new dwelling is not ideal as it

would be located at an angle and forward of the front elevation and entrance of the new dwelling.

Secondly, the location of the parking space would require the occupant of No 1 to park the car, and walk back out onto the street along Tewkesbury Drive and Hereford Drive which is not an ideal arrangement. It is neither good design or good planning to have to rely on another person's property just to try and make the parking for the development 'work'.

In addition, the proposal to provide 1 space for a 4 bed property would be significantly below the requirements advised in SPD11 for parking for residential properties, which in a high access area, would require 3 spaces. Visitor parking spaces would also add to the on street parking pressures in the area.

In trying to 'fit' the proposed dwelling on the site and attempting to compensate for the loss of existing parking for No 1, it is considered the proposed development would significantly intensify the use of a corner plot to an unacceptable degree and therefore considered would result in over development of the site and would fail to address the reason for refusal No 3 in the decision notice for ref 67692.

H2/6 is quite clear in that private garden development should not adversely impact on the character and amenity of the area or impact on neighbouring properties and access arrangements under this policy.

Conclusion

It is therefore considered that in its totality, the development of the site for a new dwelling would not only result in inadequate levels of amenity space, sub-standard separation distances and poor design arrangements but would also be unable to compensate for the loss of parking for the existing property, No 1 Hereford Drive.

The scale and resulting layout of the development would therefore be considered as over development of the site and would therefore be contrary to policies H2/1, H2/2, H2/6, HT2/4 and HT6/2.

The issues of parking and access are discussed further in the Highway section below.

Impact on residential amenity - Supplementary Planning Document 6 is used as a guide to assess relationships and aspect standards between properties and new built development. Separation distances are important considerations for maintaining adequate privacy and overbearing relationships. The Council seek to maintain a separation distance of 13m between a first floor habitable room and 2 storey blank gable and it is advised that a garden depth of 7m is maintained between a 1st floor habitable room window and directly facing boundary.

In terms of No 1 Hereford Drive, the proposed dwelling would be attached to the side elevation of this property. Certificate A has been signed and the curtilage of No 1 has been included within the red edge site plan so it is assumed the applicant is also the owner of this property. In terms of attaching to this house, this would be considered acceptable in principle.

The proposed dwelling would be formed along the established front and rear building line with No 1. There would be no windows or projections which would impact on the occupiers of No 1 and as such considered the proposed dwelling would not have a significant impact on the occupiers of this property in terms of overlooking or privacy and would comply with H2/1 and H2/6.

To No 39 Tewkesbury Drive, and as noted in the Layout Section above, the proposed dwelling would be sited so that the rear elevation would face the side gable of this property and there would be a separation distance of 8m between the ground floor principal room window (dining room) to the side gable of No 39. SPD6 advises a separation of 13m and

as such, aspect standards would be sub-standard.

In addition, there would also be a garden depth of 6.4m at the maximum point and as such there would be a sub-standard distance from the rear elevation of the proposed dwelling to the shared boundary.

It is therefore considered that the proposed development would be unacceptable and contrary to H2/1, H2/2, H2/6 and SPD6.

Design and appearance - The design of the proposed dwelling would be of a similar character and appearance to No 1 Hereford Drive and that of the adjacent properties. The ridge height and eaves levels would align with the adjacent properties and fenestration patterns and bay windows detailing also reflective of the adjacent housing stock.

Materials would comprise a mix of brick and render which again would emulate the appearance of the houses in the area.

It is therefore considered that the design and appearance of the proposed development would be appropriate and in keeping with the character of the area and the surrounding houses and as such would comply with H2/1, H2/6 and EN1/2.

Highways issues

One of the main issues of the application involves the proposed access and parking arrangements for both the new build and the existing property, No 1 Hereford Drive. As the proposed development would require land wholly occupied by No 1, the parking facilities currently provided for this property should not be compromised by a new development which would be only of benefit to the applicant and no one else.

SPD6 advises that development should not result in the loss of off-street parking provision unless it can be demonstrated that alternative provision can be made elsewhere within the domestic curtilage, without causing detriment to amenity or highway safety. In particular, proposals should ensure there is sufficient space to accommodate adequate parking spaces in relation to scale of development. These parking spaces should be provided safely within the curtilage of the site. Whilst relating to extensions and alterations, the principle for providing adequate parking is the same for a new build dwelling.

No 1 is a fairly large dwelling, potentially capable of providing 4 bedrooms which brings its own demands for parking. SPD11 advises that in a high access area, 3 spaces for a 4 bed property would be required.

The applicant has sought to facilitate parking for No 1 by providing 1 space within the curtilage of the new dwelling to overcome the reasons for refusal of the previous scheme.

Firstly, the development should not be relying on the curtilage of another property to provide parking. Secondly, one parking space would not be sufficient for a 4 bed property. Thirdly, relying on the street to provide the required parking provision to facilitate a development only of benefit to the applicant where there would be no wider public gain should not be supported.

The property should not be relying on the street to provide parking just to facilitate a new development. The residential streets should be areas where pedestrians and vehicles can move around safely and to provide a quality environment as much as possible. In addition, the development as whole does not factor in visitors to both properties who would be reliant on parking on the street.

The applicant has submitted a Transport Note which analysis the off street parking available in the area, pointing out that within a 200m radius the roads surrounding the site could be used for parking. This is all very interesting, but a few points to raise. Firstly, would the occupier of No 1 park 200m away from/to their property and walk, secondly, the

parking survey demonstrates there is already significant on-street parking pressures. It is considered that the Transport Note in relation to the parking provision does not provide any weight or justification to enable the development as acceptable.

A tracking plan has been included in the Transport Note to show how a car would manoeuvre into the space allocated for No 1.

Entering the site from the westerly approach appears to demonstrate that the existing access would need to be widened or otherwise, a car would cross the footway behind the tree at an angle. Entering the site from the east would either require a vehicle to carry out a dangerous reversing manoeuvre, or by approaching the access in a forward gear, necessitate the approach on the wrong side of the road.

Neither of these scenarios would be safe nor feasible and cause implications to highway safety.

It is therefore considered the proposed development could not adequately or acceptably provide for replacement parking for the existing dwelling, No1 Hereford Drive and as a whole the scheme would under-provide parking, leading to the conclusion that the proposal would result in the over-development of the site which would have an unacceptable impact on highway safety.

As such, the proposed development would be contrary to policies H2/1, H2/2, H2/6, HT2/4 and HT6/2 and SPD6.

Air quality - The Air Quality Section have advised EV chargepoint/s would be required. details could be sought by condition.

Ecology

Summary

One bat emergence survey has been recommended. This has been provided.

Bats

A valid bat assessment has been provided and in line with the recommendation, a Dusk Emergence Survey submitted

A dusk survey was carried out late in the season but within the period GMEU indicated may be acceptable. The consultant has put together a case for why an emergence survey this late in the season should be accepted, which appears reasonable and is within the guidelines for bat surveys. GMEU therefore have no reason not to accept the findings of the report.

No bats were seen emerging from the building with only low levels of bat activity recorded. It can therefore be concluded that the development is unlikely to negatively impact on the conservation status of bats in the locality. As individual bats can on occasion turn up in unexpected locations, GMEU recommend an informative should permission be granted to remind the applicant of their obligations under the 2019 Regulations that it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting Birds

The consultants note the likely loss of bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition be applied to any permission to restrict the timing for removal of vegetation and trees.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should

contribute to and enhance the natural and local environment. The development will result in the loss of garden, including trees, a non-native hedge and associated bird nesting habitat. As for the previous application, GMEU recommend mitigation through new hedge planting, which appears to be proposed, tree planting and provision of bird and or bat boxes. recommend one integrated bat brick is added to the new dwelling. The details can be conditioned.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in the loss of substantial parking facilities for the existing dwelling without the ability to provide a new access from Hereford Drive to serve alternative parking facilities within the curtilage of the existing dwelling due to an unacceptable impact on protected highway trees, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.
- 2 The proposed overall car parking provision for the two dwellings is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development would therefore conflict with the following policies of the Bury Unitary Development Plan: H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.
- 3 The proposal would result in the intensification of use of the existing access onto Tewkesbury Drive proposed to be shared by both dwellings, which is likely lead to vehicles crossing the footway at an angle behind the highway tree, leading to conflicts on the adopted highway and would therefore be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.
- 4 The proposed development, by virtue of the sub-standard garden amenity area, separation distance to the neighbouring property and inability to provide adequate parking and access for both the existing dwelling and proposed dwelling would result in the over-development of the site and therefore have a detrimental impact on the future occupiers of No 1 Hereford Drive and the proposed new dwelling, occupiers of the surrounding properties and highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.

<u>Case Officer</u> JT 10/10/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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