

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/03/2023	Ref: 69244/FUL
Registration: 16/01/2023	LDFC: 09/03/2023	Expiry Date: 13/03/2023
Site Visit: 16/02/2023	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: Second floor extension at rear to form 1 no. flat and roof extension

Location: 424 Bury Old Road, Prestwich, Manchester, M25 1PR

Description

The application site relates to a former bank building on the corner of Bury Old Road and St Margaret's Road. It is now in use as offices with a flat above. At the rear there are garages that do not appear to have been used recently as the small forecourt that is overgrown. The adjoining property at 426 is a hair and beauty salon with a flat above. The property across the side access is an estate agents. The site is located within a Local Shopping Centre and Bury Old Road is a busy and main throughroute within the Borough.

The proposal would alter the main roof to form an end gable facing St Margaret's Road and add a pitched roof dormer on the front roof plane. At the rear a second storey would be formed over the existing flat roof two storey outrigger. This element would entail raising the eaves level and adding a new pitched roof. The extension would facilitate an additional 1-bed flat. There are no additional parking facilities and it is noted that the forecourt and pavement to the side of the premises has been bollarded off to prevent vehicles accessing from the road - see site photos.

The bins for the proposed flat would be at the rear of the property with the bins for the existing business and flat.

Relevant Planning History

55018 - 3 No. externally illuminated fascia signs, 1 No. externally illuminated projecting sign and 1 No. ATM header panel - Approve with Conditions 26/04/2012
61697 - Prior approval for a proposed change of use of the 1st floor of a building (Class A2) to a dwelling (Class C3) - Prior Approval Not Required 20/09/2017
62134 - A: Replacement of existing windows and change of door to window at front, windows at side to be replaced and new door in place of one of the windows.
B: Installation of security shutters to all windows and doors at ground floor - Split Decision 15/02/2018
64139 - Single storey extension at rear for use as storage room - Approve with Conditions 18/06/2019
18/0088 - Breach of condition no. 2 of planning application 62134 - 25/02/2019
19/0399 - Not being built in accordance with approved plans 64139 - 20/12/2019

Publicity

Immediate neighbours notified by letter dated 24/01/2023. One comment from the neighbour in the flat at 426 Bury New Road.

- No objection but concerns on the use of the drive way path between 424 Bury Old Road and 1 St Margaret's Road. This drive way should not be used by 424 Bury Old Road at any time of the construction process. This driveway is for the garage access of number 5 and number 11 St. Margaret's Road, the only access for the flat above 246 Bury Old Road, rear access for 1, 5 and the sandwich shop on 3 St. Margaret's Road, the only

- access to 1A St. Margaret's Road.
- We also have concerns about the construction times, as on previous construction, although 424 Bury Old Road had been given times for construction, they breached the times they were allowed to build on many occasions.
- The proposal for bin storage to the rear of 424 Bury Old Road cannot be approved as the land is not a shared land for 424 Bury Old Road use.
- The wall between 424 and 246 Bury Old Road is a single brick wall. We do not give any permission for any structural attachment to this party wall as on previous construction advantage was taken, a hole was put through the party wall for a steel beam without party wall agreement. Damage is still visible from inside the flat above 426 Bury Old Road.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Waste Management - No objection.

Pre-start Conditions -N/A

Unitary Development Plan and Policies

S2/3	Secondary Shopping Areas and Frontages
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EN1/7	Throughroutes and Gateways
H2/1	The Form of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/2	The Layout of New Residential Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
S1/4	Local Shopping Centres
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) 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.

Use - In general, UDP Policy supports the use of upper floors above ground floor commercial uses for residential. The issue in this particular case is the size and design of the extension and the intensity of the residential use and the impact on streetscape, residential amenity and associated parking and servicing.

Visual amenity and Streetscape - The property on the corner of Bury Old Road and St Margaret's Road is very prominent within the streetscape. Although the existing building has a poorly designed flat roof extension at the rear that doesn't appear well within the streetscape, the proposed second floor extension, incorporating a pitched roof would appear particularly incongruous and very much out of keeping with the wider streetscape which is characterised by two storey properties. The new eaves line would sit well above the existing eaves level and this creates an awkward relationship between existing and proposed.

The alterations to the front elevation appear less incongruous and would be acceptable.

The proposed rear extensions and alterations would be unacceptable in terms of height, size and design and would be contrary to UDP Policies EN1/2 Townscape and Built Design, H2/1, H2/2 and H3/2 relating to new residential development and extensions and associated guidance.

Residential Amenity - There are no serious residential amenity issues relating to the extensions. As such the proposal is acceptable in terms of residential amenity and complies with policy in this respect.

Parking and Servicing - The site is situated on a main throughroute through the Borough, close to bus and metro lines. There are bollards preventing parking on the footway around the corner. Although there is no parking proposed, the size and scale of the additional unit would not be so significant as to warrant refusal on grounds of parking. It is noted that the traffic team have no objection to the proposal.

The existing servicing arrangements would remain without change, the bins being stored at the rear of the building. There is an access to the bin store and garages at the rear of the site and this would remain unchanged. The proposal is acceptable in terms of parking and

servicing and complies with UDP Policies.

Public comment - The driveway at the rear would remain unobstructed to allow access to bin store and garages. are not relevant to the planning proposal.
Construction times are controlled by Environmental Health.
Development along the boundary is a party wall issue.
Given that the bins are stored to the rear of the building already, the additional bins would not cause significant concern.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed rear extension, by reason of its size and design, would appear incongruous on the existing property and out of keeping within the wider streetscape. As such the proposal would be seriously detrimental to the amenities of the area and conflict with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, EN1/7 Throughroutes and Gateways, H2/3 Extensions and Alterations and guidance in SPD6 Alterations and extensions and SPD16 Design and Layout of New Development in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	09/03/2023	DM	09/03/23