

DELEGATED REPORT

Report by Amanda

Date of report: 16/03/2023

Ref:69279/FUL

Uhunmwagho

Registration: 06/02/2023

LDfC: 02/03/2023

Expiry Date: 03/04/2023

Site Visit: 03/03/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Basement conversion with new external staircase; New boundary fencing measuring 1m and 1.5m high; Alterations to existing rear extension to flat roof with lantern

Location: 1 Egerton Street, Prestwich, Manchester, M25 1FS

Description

The application relates to a two storey end terrace house with a basement. The property has a small front garden with a low wall to the front and side boundaries. There is a pedestrian access gate to the front garden. There is an existing single storey rear extension and a small yard with fences to the side and rear boundaries. There is a pedestrian gate to the rear. Neighbours at no.s 3, 5 and 7 Egerton Street have access through the applicant's yard to their properties.

The proposal is to convert the basement in to a bedroom with shower room and create a new basement area as a utility room/storage. A new external door would be installed to the front for emergency access to/from the basement. The plans show that a brick wall with railings would be built where the new external staircase would be.

The mono-pitched roof to the existing single storey rear extension would be replaced with a flat roof with one rooflight and a new fence would be erected along the side of the site.

The fence would measure 2m high adjacent to the rear yard and single storey rear extension. For the remainder of the boundary the fence would measure 1m high. The existing low level wall would be removed.

Relevant Planning History

68653 - Basement conversion; New vehicular access to the rear; New boundary fencing 1.5m - Withdrawn by Applicant 19/08/2022
13/0534 - Unauthorised advertisement - 29/10/2013

Publicity

12 neighbours were notified on 09/02/2023 and 1 neighbour which had been missed initially was notified on 22/02/2023 - No objections have been received and one neighbour has emailed in support of the proposal, advising they have no objections.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The basement conversion and additional basement room would involve internal works only. As such there would be no detrimental impact on visual amenity regards this part of the proposal. Several other properties have windows to the basements at the front but not doors. However, the proposed wall with railings on top which would enclose the stairs would be built with materials that would match the existing dwelling and would be similar to neighbouring boundary walls which also have railings along the tops. It would be set well back from the front/side boundaries and as its overall height would be 1m it could possibly be constructed as permitted development.

The boundary wall to the front of the site would remain as it is, with planting to the inside. Along the side of the site the short wall would be removed and a fence erected in its place. The 1m high fence would extend around 11.8m along the side boundary, from the front elevation of the dwelling to where the original rear elevation is. As SPD 6 states that a fence or wall can be erected adjacent to a highway up to 1m high, this part of the fence could be built as permitted development. Towards the rear of the site the fence would be 2m high adjacent with the single storey rear extension and rear yard. As this would be similar to what is already on site, and there are examples of other 2m high fences in the immediate area it is considered that it would not have any significant detrimental effect on the character of the existing streetscene.

The replacement of the existing mono-pitched roof on the rear extension to a flat roof with rooflight would increase the height of the extension slightly towards the rear elevation but the overall height would remain the same. It would be finished with materials that would be considered acceptable in this location. As such it would not cause any significant detrimental harm to the character of the existing streetscene.

The removal of a ground floor window to the side elevation would not have any detrimental impact in terms of visual amenity. It would be blocked up using materials that would match the existing building.

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 rear extension is existing. The only change would be the roof style and that it would be raised by a maximum of 500mm from the existing rear wall and the existing rear door and window would be replaced with patio doors and steps leading down to the yard level. The use of the room would remain as a kitchen with dining area. The property to the rear does not have any windows in the side elevation and they have taller conifers along the shared boundary. As such the existing distance to the property at the rear would be sufficient in terms of SPD 6 and residential amenity.
- There would be no change to the projection of the extension wall along the boundary with no.3 next door. Given the way the properties are adjoined the increase in height to the rear extension would not have any significant detrimental effect on rear windows at no.3 or their garden area.
- The boundary fence to the side of the site would not have any significant detrimental effect on residential amenity due to the distance to surrounding properties.
- The new external access to the basement at the front of the property would be built well back from the site boundaries. As such there would be no concerns regards encroachment of the highway of the neighbouring property at no.3 Egerton Street.
- Apart from the addition of an external door all the works to the basement would be internal and as such would not have any detrimental impact on residential amenity.

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 in terms of separation distance to the surrounding properties.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. However, there are currently no parking spaces within the site. As such parking arrangements would be to the adjacent highway as it is now. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 2021-1600A-P-101, 2021-1600A-P-102, 2021-1600A-P-103, 2021-1600A-P-104, 2021-1600A-P-105, 2021-1600A-P-106, 2021-1600A-P-7 and 2021-1600A-P-108 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 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 16/03/2023		HL	24/03/23