

DELEGATED REPORT

Report by Jane Langan	Date of report: 08/11/2022	Ref: 68756/FUL
Registration: 06/09/2022	LDFC: 06/10/2022	Expiry Date: 01/11/2022
Site Visit: 06/10/2022	Site Notice: 14/09/2022	Press Date: 15/09/2022
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Replacement of conservatory/plinth with Two storey rear extension; Addition of new doors at rear basement level and Raised terrace at rear with glazed balustrade

Location: 15 Church Lane, Whitefield, Manchester, M45 7NE

Description

The property is a large semi detached house. It is located within All Saints Conservation Area and is on the Councils Draft Local List. It has a stone wall and hedges along the front boundary and a stepped path leading up to the house. To the rear it has been extended across part of the elevation with a conservatory which sits above a basement and a rear yard at a lower level accessed with steps down to the party wall side. The rear yard is enclosed by a brick wall and a detached garage borders a back access street. The adjoining property is No.17 and has a patio from the rear of the house and a brick wall separates. To the opposite side No.13 is separated by a brick wall and has a single storey section at the side.

The application proposes to remove the conservatory and replace with a two storey extension that would comprise of a 2.7m deep lower ground floor extension with a 1.67m kitchen extension above leading out on to a 1.1m deep terrace. The steps to the party wall side and patio to the opposite side would be retained and a 1.1m high glazed balustrade would run across the new terrace and existing patio.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 07/09/22. A site notice was posted on 14/09/22 and a press notice placed in the Bury Times on 15/09/22. No representations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to a materials condition.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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. 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.

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.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seek to preserve or enhance the character and appearance of these areas. Development will only be acceptable if it preserves or enhances these areas with regard to the nature of the development in terms of bulk, height, materials, design, relationship to the surrounding area, and impact of a new use on the character of the surrounding area. Proposals where appropriate should seek to implement measures to retain, replace, restore features of architectural interest, retain and enhance landscaping features, promote environmental enhancement and promote design guidelines to ensure sympathetic

development.

Visual amenity, design and impact on the Conservation Area - The conservatory, which is not an original feature, would be removed. The proposed extension would have a monopitch roof with roof light and the walls constructed in matching red brick and with soldier bond brick coursing. Both the kitchen and basement would have aluminium bi fold doors. The existing brick retaining wall to the patio to the side would be retained and the 1.1m high glazed balustrade would run across the rear. The proposal would not be readily visible from the main street view and as such the character and appearance of the Conservation Area would be preserved.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The site has a garage and yard to the rear which would not be affected by the proposal.

Residential amenity - The proposed extension would be 2.7m deep at lower ground level and the kitchen extension above 1.67m deep and shallower than the conservatory it would replace. The 1.1m deep terrace would be separated from the boundary with No.17 by the existing steps down to the yard and there is an existing brick wall which provides a level of screening between the properties. The terrace would allow level access from the ground floor of the house and No.17 has a similar paved area leading out. It would not provide any large area of outside amenity space and replacing the existing conservatory which had side glazing. As such it is not considered that there would be any significant change in privacy levels to the situation as existing. No concerns have been raised by No.17.

To the opposite side to No.13 there would be no significant change as the existing patio to this side would remain.

To the rear is the back access street separating from the rear boundary to properties on Grosvenor Avenue.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policies H2/3 - Alterations and Extensions, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and SPD6 - Alterations and Extensions to Residential Properties.

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.

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- 2 This decision relates to drawings numbered (02)001, (02)002, (02)003 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.
- 4 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>
JL	08/11/22		