

DELEGATED REPORT

Report by Jack Livingstone	Date of report: 29/11/2022	Ref: 69039/FUL
Registration: 02/11/2022	LDfC: 05/12/2022	Expiry Date: 28/12/2022
Site Visit: 29/11/2022	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: HOUS

Proposal: Garage conversion & addition of side doorset and window

Location: 21 Firbank, Ogden Street, Prestwich, Manchester, M25 1JL

Description

The application relates to a three-storey end terrace dwelling on Ogden Street. The property is located adjacent to the cul-de-sac, Firbank. The dwelling has gardens to the rear and side and has parking to the front that leads to an integral garage.

Planning permission is sought for the conversion of the existing integral garage to a kitchen/ living space, the replacement of the existing garage door with a front door and two windows, the addition of a door and window on the northern side elevation, and the addition of a palisade fence on the front elevation.

Relevant Planning History

N/A.

Publicity

Neighbours notified by letter dated 14th November 2022. No objections recieved.

Statutory/Non-Statutory Consultations

N/A.

Pre-start Conditions - N/A.

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. 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.

The proposed palisade fencing would be approximately 0.9 meters in height and would be set 1.1 meters in front of the proposed front door and windows.

A door and two windows would be inserted within the front elevation, within the space left following the removal of the garage door. The remaining space has been built up with matching brickwork.

The existing front door would be removed from the south elevation with the remaining space built up with matching brickwork.

The alignment, size, material and typology of the proposed doors, windows, fencing, and brickwork are all acceptable and in keeping with the house and the character of the area.

It is considered that the proposal would comply with UDP Policy H2/3 and SPD 6 in terms of visual amenity.

Residential amenity

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

neighbouring properties.

- No additional volume added - conversion of garage space only.
- Proposed front and side doors and windows would relate to non-habitable rooms and as such aspects not applied.

It is considered that the proposal would comply with UDP Policy H2/3 and SPD 6 in terms of residential amenity.

Parking

2 No. spaces retained within the curtilage of the property. No further bedrooms proposed as a result of the proposal.

Drive of 9.4 metres can be provided to the front of the proposed garage exceeding the 5.5 metres required by SPD 6.

This is acceptable and complies with UDP Policy H2/3 and SPD 6 in terms of parking.

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 LP01, LP02, SP01, SP02, BP01, BP02, L01, L03, E01, and E03 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>