

DELEGATED REPORT

Report by Amanda

Date of report: 13/07/2022

Ref:68249/FUL

Uhunmwagho

Registration: 24/03/2022

LDfC: 05/05/2022

Expiry Date: 19/05/2022

Site Visit:

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: Replacement of garage with new single storey garage building

Location: 55 Milton Road, Prestwich, Manchester, M25 1PT

Description

Planning permission for a detached outbuilding was previously refused at this site due to the proposed size of the building and its very close proximity to the highway in front as it would have been significantly detrimental in terms of its impact on the character of the existing streetscape. In addition as it would have been so close to the pavement in front it would have reduced visibility for car users pulling on and off the drive way which would have been dangerous for passing pedestrians and other car users. The plans also appeared to contradict each other so could not be properly assessed and the proposed parking space appeared to have been a sub-standard length.

The current application is also for a detached out building but the current proposal is for a smaller building set back from the highway in front. Its use would remain the same as what was previously proposed.

The application relates to a two storey detached house fronting Milton Road with Heys Road to the south side. There is a garden to the north west of the property which has fences to all boundaries and adjacent there is a detached double garage with parking in front.

The proposal is to remove the existing garages on site and build a detached out building which would house a hydro pool accessed from the garden. There would also be a single car parking space created to the front, accessed off Milton Road.

The building would have a pitched roof with bi-folding doors facing the main dwelling and a small high level portal style window facing on to Milton Road. The building would be finished with brick walls and a tiled roof to match the main dwelling. The bi-folding doors would be aluminium.

Relevant Planning History

67672 - Replacement of garage with new single storey garage building - Refused
01/02/2022

Publicity

Neighbours notified on 13/04/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Conditions suggested.

Pre-start Conditions - Agent has agreed with pre-start conditions on 12/07/2022.

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 building would be built with materials and a design that would be considered to be in keeping with the existing building on site. It would be set back from the pavement in front and so would not appear overly intrusive in the existing streetscape. The design of the proposal is considered acceptable in this location.

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 outbuilding would replace an existing double garage in the same position within the site. It would be taller than the garage currently there but given there would be just over 10m to the closest property to the rear, there is an access path in between the site and properties to the rear and there would be no windows in the rear elevation there would be no significant detrimental effect on residential amenity at these properties.
- The front of the building would be around 13m to properties on the opposite side of Milton Road and there would be no habitable room windows in this elevation.
- The plans show that the building would be built wholly within the site boundary and there would be no encroachment over the neighbouring drive way to the north or the access path to the rear.
- The drive length would measure 5m to the rear of the pavement in front which would be acceptable in terms of SPD 6.
- The building would be built set back from the boundary with Milton Road by 2.4m and the plans show that visibility splay requirements would be satisfied.

Taking the above in to account 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.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 revised drawings received on 20/06/2022 and revised block plan received on 04/07/2022 as modified by the emails from Blu Room Architecture dated 20/06/2022 and 04/07/2022. The development shall not be carried out except in accordance with the details 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.

- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footway and carriageway abutting the site in the event that subsequent remedial works are required following construction of the development;
- Storage within the curtilage of the site of construction materials;
- Site hoarding position if proposed;
- Measures to ensure that all mud and other loose materials are not spread onto the adopted highway by the ground works operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the storage of construction materials.

Reason. - To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off highway materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations. Pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 5 The access and parking alterations/arrangements shown indicatively on approved plan reference 06 Revision A, incorporating the reinstatement of the redundant footway crossing, provision of a 5.0m (minimum) long hardstanding in a either a porous/permeable material (not loose stone) and/or measures to prevent the discharge of surface water onto the adopted highway, and all associated highway remedial works required as a result of the construction of the proposed dwelling and statutory undertakers connections, shall be implemented to the satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied and thereafter maintained at all times.

Reason - To allow adequate space to maintain a vehicle and refuse bins clear of the highway in the interests of highway safety and to maintain the integrity of the adopted highway pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 6 The visibility splays indicated on approved plan reference 06 Revision A shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and, other than the proposed garden fence, subsequently maintained free of obstruction above the height of 0.6m on land within the applicant's control.

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Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in 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 - 13/07/2022			