

DELEGATED REPORT**Report by** Amanda**Date of report:** 21/04/2023**Ref:**69443/FUL

Uhunmwagho

Registration: 13/03/2023**LDfC:** 04/04/2023**Expiry Date:** 08/05/2023**Site Visit:** 18/04/2023**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: Variation of condition 2 (approved plans) of planning permission 68040 - The existing garage door is to be replaced with masonry infill including door and window opening, and the dormers would be increased in size.

Location: 8 Leyburn Close, Whitefield, Manchester, M45 7UE

Description

The application relates to a detached garage at 8 Leyburn Close, Whitefield. It is positioned to the north west corner of the site to the front of the dwelling and is adjacent to a similar style detached garage at no.6 Leyburn Close to the north.

Planning permission has been granted (68040) for a similar development. The current application seeks to vary condition no.2 (approved plans) of that application by increasing the width/height of the previously approved dormers and replacing the existing garage door with masonry infill and door and window openings. Externally the rest of the development would be built as already approved. There would be some changes to the internal layout.

Relevant Planning History

66409 - Two storey front extension; Single storey side and rear extensions - Approve with Conditions 24/03/2021

67385 - Raise ridge height of garage roof with dormers to existing detached garage - Refused 08/10/2021

68040 - Raise ridge height of garage roof with dormers to existing detached garage - Approve with Conditions 05/04/2022

Publicity

Neighbours notified on 14/03/2023 - No comments or objections received.

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 garage is adjacent to a similar style garage at no.6 next door and both the garages are positioned well back from the highway in front, in a corner position at the head of a cul-de-sac. Even though the building would be around 1m higher than the neighbouring garage the proposed materials and design would match the existing building and be similar to neighbouring buildings.

The previously approved extension had a garage door to the front elevation and a door to the rear. The current proposal shows a door and two windows to the front elevation and a second door to the side elevation. In addition this both the front and rear dormers would be slightly larger than what was previously approved. The approved dormers would have measured 3.8m wide x 2.55m high. Whereas the current proposed dormers would measure 4.05m wide x 2.65m high. The agent states that the reason for the increase in size is to improve the U values and conserve more energy.

Given that the extended building would remain set back from the road in front by about 6m and Leyburn Drive is a small cul-de-sac the extended garage would not have any significant detrimental impact on the character of the existing streetscene.

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 building is, and would remain over 20m from properties to the front of the site and the new room above the garage/store would be a gym which is considered to be a non-habitable room.
- The rear dormer would not have any windows in it due to its position in very close proximity to the shared boundary with properties on The Square to the rear of site. A condition would be added to the decision stating that no window should be installed to the rear dormer in the future. This would be to maintain privacy levels between users of the new room and neighbours to the rear.
- The sight increase to the size of the dormers would not have any significant detrimental effect on residential amenity in the area.
- The changes to the ground floor, including new door and windows to the front and door to the side would not have any detrimental impact on residential amenity at neighbouring properties.
- Previously the ground floor use would have remained as a garage but as there wouldn't be any vehicular access to the building as proposed there would be a reduction in the number of parking spaces available within the site. However, there would be two parking spaces remaining to the front of site which would be acceptable in terms of the requirements set out in SPD 6.

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 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 R-0673-01, R-0673-02A and R-0673-03A 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.
- 4 Before the first occupation of the extension hereby permitted the rear dormer shall be constructed without windows and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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 - 21/04/2023		DM 26/04/23	