

DELEGATED REPORT**Report by** Amanda**Date of report:** 19/10/2020**Ref:**65919/FUL

Uhunmwagho

Registration: 04/09/2020**LDfC:** 30/09/2020**Expiry Date:** 30/10/2020**Site Visit:** 07/10/2020**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Erection of detached garage in front garden**Location:** 1 Myrtle Bank, Prestwich, Manchester, M25 9XX**Description**

The property is a previously extended detached bungalow. There are gardens to three sides of the existing house with a very long drive way to the front which slopes down away from the house. There is availability for multiple cars to park on the front of this site. At the side of the property there is a large paved area with lawned garden area to the rear. There are fences to all boundaries and some planting and trees.

There are no neighbouring properties to the front and to the rear houses on Rainscough Close are over 20m away. To the south of the site there is open land and a children's playground.

The proposal is to build a detached garage to the front of the site. It would measure 4.94m x 8.85m and would have a pitched roof. It would be built 625mm away from the side boundary. Access from the highway in front is at an angle the minimum length of the drive way would be 6m with a maximum of 10m. The existing drive way to the side of where the garage would be built would remain and this measures approximately 12m from the highway in front.

Relevant Planning History

01814/E - Single storey extension and addition of first floor to existing bungalow to form two storey dwelling - Enquiry completed 13/04/2016

60302 - Raise height of roof by 1.150 metres with loft conversion and dormer at side; Single storey extension at front/side - Approve with Conditions 11/08/2016

61173 - Single storey extension at side/rear and single storey extension at side with 400mm high decking area - Approve with Conditions 19/04/2017

Publicity

Immediate neighbours notified on 10/09/2020 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Condition to be added.

Property & Technical Services - Estates Consultancy - No comments received.

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 -

The garage would be built with a design and materials that would compliment the dwelling on site and it would also remain in-keeping with neighbouring properties on Myrtle Grove. The design of the proposal is considered acceptable in this location and it would not have any detrimental impact on the character of the existing street scene.

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 use of the building would be a garage. As such the distance from the building to neighbouring properties on Myrtle Grove would be acceptable in terms of SPD 6.
- The garage building would be built 625mm away from the south east boundary. With this in mind there would be no encroachment on to park land to the side of the site.
- Revised plans received on 01/10/2020 show that there would be at least 6m of drive length in front of the proposed garage, to the rear of the pavement in front. This would be acceptable in terms of SPD 6. The Highways officer was consulted and has no objections to the proposal. A condition and informative would be added to the decision regards the maintenance of the drive length.
- In addition to the proposed drive way in front of the proposed garage there is an existing drive way to the side of where the garage would be built, in front of the dwelling. With this on mind there would be space to park several vehicles on the site meaning there would be no seriously detrimental effect on existing parking arrangements.
- The revised drawing numbered 01 RevA shows that any surface water run off would drain to existing planting areas within the site and not in to the drains on the adjacent highway.

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 and that the drive length to the front of the garage would be at least 6m to the rear of the highway in front.

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 revised drawings numbered Location Plan Rev A, 00 Rev A, 01 Rev A, 02 and 03 received on 01/10/2020 as modified by the email from David Young Architect dated 01/10/2020. 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 proposed driveway and car parking alterations indicated on approved plan reference 01 Revision A, incorporating a minimum 6.0m length driveway in front of

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the proposed garage doors, measures to prevent the discharge of water onto the adopted highway and all associated highway remedial works that may be required as a result of the development, shall be implemented prior to the new garage hereby approved being brought into use.

Reasons : To ensure adequate off-street car parking provision in the interests of road safety and maintain the integrity of the adopted highway.

- 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>
AU - 19/10/2020.		DM	12/11/2020