

DELEGATED REPORT

Report by Tom Beirne	Date of report: 29/05/2024	Ref: 70383/FUL
Registration: 05/02/2024	LDfC: 06/03/2024	Expiry Date: 01/04/2024
Site Visit: 05/03/2024	Site Notice: 14/02/2024	Press Date: 15/02/2024
Objections: 5	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Erection of detached double garage at side/rear

Location: The Rectory, 41 Church Lane, Prestwich, Manchester, M25 1AN

Description

The application relates to a Grade 2 listed building within St Marys Conservation Area. The former St Marys Church Rectory was built in 1923. The building is constructed in red-brown brick with stone dressings with pitched slate and concrete flat roofs and prominent brick obelisk chimneys. It has multi-paned sash and casement windows to all elevations with glazing bars and quoined red brick dressings that continue up the full-height of the building. St Mary's church, also listed, is to the south west and to the south is Prestwich Clough with residential properties to the east and across Church Lane to the north.

The property was recently sold by the archdiocese and has been vacant for a number of months. The new owners have subsequently undertaken extensive internal works without listed building consent. A retrospective Listed building application is currently being considered.

This application which has been revised, now seeks permission for a detached double garage to the side and rear of the existing house. The applicant indicates in the supporting statement that the proposal is needed to upgrade parking facilities at the house.

The garage, constructed in brick would measure externally 6m by 6.3m with a flat roof and parapet wall to a maximum height at the front of 2.9 m (a little higher at the rear because of the slight drop in levels). The two garage doors at the front would be timber 'up and over' style with small windows in the upper half.

Relevant Planning History

70384 - Listed building consent for remedial work and internal alterations including re fenestration, new kitchen and bathrooms - undecided

24/0088 - Internal works and alterations to Listed Building -

Publicity

Immediate neighbours notified by letter dated 06/02/2024. Site notice posted 14/02/2024. Press notice 15/02/2024. Five objections received from local residents and summarised below:

- This listed building should be protected and preserved. The proposed huge, flat-roofed construction at the side of the striking Grade II, Lutyensesque Rectory, next to the Grade I mediaeval Church of St Mary - the most important building in Prestwich would be inappropriate and have a detrimental impact on listed building and streetscape.
- The size, fenestration and design of the "garage" is such that conversion to living accommodation could be easily effectuated at sometime in the future. This should be borne in mind when considering permission.
- The sandstone copings of the perimeter wall have been removed and the wall has been left to deteriorate. Widening the access to the site is unnecessary whilst the existing

- perimeter to the site is in a poor state of disrepair.
- There will be an increase in vehicle parking and this hasn't been included in the application form.
- The application states that there are no trees that are part of the local landscape character however the current trees/garden/location of the new building is within the Prestwich Clough area which is an important part of the local landscape character.
- The proposed detached garage is within the curtilage of a listed building and will have a detrimental affect to the setting of The Rectory, its spectacular lawn and wooded areas to the perimeter of The Rectory grounds. The proposed garage is taking up a large area of the lawn which is one of the The Rectory's attributes. The Rectory already has a garage and ample room for parking on its large front and side driveway.
- The widening of the entrance and gate posts will reduce street parking for Church parishioners.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection to revised plans.

Listed buildings - No comments received.

Traffic Section - No objection to revised plans

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
PFE	Places for Everyone
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Heritage - The conservation area has a Conservation Area Appraisal & Management Plan (CA-AMP) (2008-09). The overall summary of the conservation area states: 'The St Mary's Conservation Area is a generally well preserved area which has suffered relatively little recent large-scale and dramatic change within its boundaries. There has been some loss of character due to individual 1960's/1970s redevelopments and also a more recent redevelopment north of St Mary's Park. The changes which have taken place to individual properties, however, could easily be compounded, and the result would be serious erosion of the character of the area.'

The proposals are assessed against Section 16, Paragraph 205 of the NPPF (Dec 2023) which states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)".

The listing description for The Rectory considers that there is 'strong group value with the neighbouring Grade I listed St Mary's Church and the Grade II listed Church Inn and No.38 Church Lane'. Furthermore, the CA-AMP thinks that: 'the new rectory harmonised with the Georgian buildings, such as the Church Inn'

The key question is therefore, would the proposal have an impact on either of the two heritage assets - the listed building itself and the conservation area in which it is sited, and, if so, by how much?

Whilst the garage would sit close to the listed building it has been modified and reduced in scale and is now considered that its impact on the listed building and conservation area would be limited due to its reduced scale and less prominent position within the plot.

The revised plans showing a reduction in the size of the proposed garage to a two bay garage and re-siting it more to the rear of the building means the proposal would now not be visible from within the street scene of the conservation area and as such it would preserve the character and appearance of the conservation area.

The proposal would not be readily visible from Church Lane nor would it be viewed within

the wider setting of the Grade I listed St Mary's church, as such it would preserve the special historic and architectural interest of the church and wider conservation area. The proposed external finishes to the garage are acceptable and samples of appropriate brick and garage door details should be secured by condition.

The revised proposal is more sensitive and appropriate to site and surroundings and would preserve the heritage value of the listed building and wider conservation area. The conservation officer has no objection to the revised scheme which would be acceptable and comply with the NPPF, PfE and UDP Policies EN2/1, EN2/2 and EN2/3 with regard to conservation areas and listed buildings.

Visual amenity and streetscape - The proposed garage would be set back from the road and at a low level which would reduce its impact. Following concerns about the size and scale, the garage has been reduced down from a triple garage to a double and has been resited so is set more behind the existing property so it not readily visible from the road. The flat roof with parapet wall would also limit its impact somewhat and be more in keeping with the character of the house than a pitched roof.

The revised garage would be significantly less dominant than originally proposed and, with a matching brick finish and doors more in character within the house, would preserve the character and appearance of the listed building and wider conservation area. The proposal is acceptable in terms of visual amenity and streetscape and complies with the NPPF, PfE and UDP Policies EN2/1, EN2/2 and EN2/3 with regard to conservation areas and listed buildings.

Residential amenity - Given the siting of the building in relation to the nearest residential properties, there are no serious residential amenity issues arising. As such the proposal is acceptable in relation to residential amenity and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Access and Parking - Given the revised plans and the retention of the existing access, the traffic section have no objection to the proposal.

Public Representations - The concerns expressed in the public representations have been addressed in the above report.

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 drawings numbered 100110/009A, 100110/110A, 100110/012B, 100110/13a0, 100110/0016A0 and the development shall not be

DELEGATED REPORT

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 Details/Samples of the garage doors/bricks to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved details/samples shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 Extensions and Alterations and EN1/1 Visual Amenity.

- 4 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 and SPD6 relating to Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	29/05/2024		