

DELEGATED REPORT

Report by Amanda

Date of report: 07/02/2024

Ref:70304/FUL

Uhunmwagho

Registration: 06/12/2023

LDFC: 31/01/2024

Expiry Date: 31/01/2024

Site Visit: 09/01/2024

Site Notice: N/A

Press Date: 14/12/2023

Objections: 0

Con Area: MARY

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear extension to include 2 no. windows to rear elevation and 1 no. window to existing side elevation with new link to hydrotherapy pool building and changing room facilities; External works to adapt the existing driveway to form accessible driveway for adapted vehicle; New air conditioning unit installed at parapet wall level to the rear elevation

Location: Eastholme, St Anns Road, Prestwich, Manchester, M25 9LD

Description

The property is a large semi detached house located within St Marys Conservation Area and where an Article 4 Direction is in place. The site is set well back from the main road with a drive and mature gardens. To the rear part of the elevation projects out two storey and there is a single storey extension to the party wall side Westholme is the adjoining property and also projects at the rear two storey. The section where the properties adjoin is set back and separated by a brick wall and hedges. The rear garden of the site borders the rear garden to 26,28 & 30 Prestwich Park Road South which are screened by the site planting. An Area Tree Preservation Order (No.48) covers the site and a large part of the surrounding area. There is a detached garage and parking area to the rear of the site as well as parking to the front of the property.

Planning permission has been previously granted at this property in June 2023 and there was a non-material amendment approved in November 2023. The current application has been submitted as there are some changes to the proposal including alterations to two windows and the entrance door on the east elevation, a new kitchen window and entrance door on the west elevation and the addition of an air conditioning unit to the rear elevation. The rest of the development would remain the same as previously approved.

The application includes extending the rear elevation two storey from the east side 3.6m deep for 5.9m across where it would then reduce to single storey for the remainder of the elevation. The extension would form a kitchen/dining room with an extended bedroom at first floor. A ground floor room would be converted to a therapy room as the works are for a disabled resident. The plans also include the addition of an en suite window to the first floor of the existing east side elevation.

A single storey extension would be built off the rear of the single/two storey extension. It would project 9.85m adjacent to the shared boundary with Westholme to the west, and it would measure a total width of 8.55m. It would have a flat roof with parapet and the walls would be finished with brick to match the existing building. The building would provide a pool for therapy and a changing room. There would be an external patio area with steps leading up to the garden area. This area would have a wall to the east side separating the area from the driveway.

To the front the patio doors would be replaced with a set of double doors and part of the

front garden would be hard surfaced to provide additional parking. This and the current imprinted concrete drive would be surfaced with permeable paving.

Relevant Planning History

- 00069/E - CONVERSION OF HOUSE TO FORM 5 FLATS -
- 64924 - Single storey extension at rear - Approve with Conditions 16/01/2020
- 68762 - Part single/Part two storey extension at rear; Extended driveway - Approve with Conditions 01/12/2022
- 02828/E - Proposed rear extension to form new hydro pool for a disabled individual - Enquiry completed 31/03/2023
- 69549 - Single storey rear extension to form new level access changing room facility and hydrotherapy pool building with associated plant equipment - Withdrawn by Applicant 16/05/2023
- 69648 - Two storey rear extension with new link to hydrotherapy pool building and changing room facilities; External works to adapt the existing driveway to form accessible driveway for adapted vehicle - Approve with Conditions 30/06/2023
- 70209 - Non-material amendment following grant of planning permission 69648 for Two storey rear extension with new link to hydrotherapy pool building and changing room facilities: To move the extension away from the boundary with Westholme by 1.5m - Approve with Conditions 23/11/2023

Publicity

20 neighbours notified on 07/12/2023 - No comments or objections received.

Press notice 14/12/2023

Site notice erected on 09/01/2024

Statutory/Non-Statutory Consultations

- Traffic Section - No objection
- Conservation Officer - No objection subject to materials condition to be added.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual amenity, design and impact on the Conservation Area -

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.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seek to preserve or enhance the character and appearance of these areas. Development will only be acceptable if it preserves or enhances these areas with regard to the nature of the development in terms of bulk, height, materials, design, relationship to the surrounding area, and impact of a new use on the character of the surrounding area. Proposals where appropriate should seek to implement measures to retain, replace, restore features of architectural interest, retain and enhance landscaping features, promote environmental enhancement and promote design guidelines to ensure sympathetic development.

The proposed two storey extension would be have a pitched roof set below the main ridge and set in from the existing side elevation. The single storey section would be flat roofed. Materials would be roof tiles and brickwork to match the existing and the flat roof to the single storey extension would have a single ply finish with parapet upstand.

The new windows and doors to the existing side elevations would be of a design the same

as the existing windows. The front elevation would see the patio doors removed and replaced with a set of double doors for access in to the new therapy room. The air conditioning unit would be installed to the rear of the property and would not be readily visible in the public realm.

The increased drive area would not take up a large area of the garden and the existing imprinted concrete would be removed. The replacement would be brindle heritage style permeable paving in dark grey. A condition is added for samples to be submitted.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

With the proposed extension not be readily visible from the main street view and the alterations to the frontage an improvement the character and appearance of the Conservation Area would be preserved, and 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 two storey extension would project 3.6m from the rear of the existing rear elevation and it would be positioned around 4.7m from the shared boundary with Westholme next door. The 45° rule would be satisfied with relevant ground floor windows to the rear of the property next door.
- There would be over 7m from the rear of the two storey extension to the rear boundary which has a brick wall and lots of planting which screen views to and from properties at the rear.
- The flat roof single storey extension would project 13.1m from the rear elevation of the attached property and it would measure 3.4m high. Although this is quite a projection there is a lot of mature planting along the both sides of the western boundary. As such only the top part of the extension is likely to be visible above the hedges and there would be no windows in this side elevation.
- An existing ground floor wc would be converted in to a utility room. The existing window would remain on the west side elevation. As the utility room would be classed as non-habitable there would be no significant detrimental effect on privacy levels at Westholme next door.
- As the extension would be built at a lower level compared to the garden area beyond the rear elevation would measure around 2.3m where it would meet the lawn area and it would be approximately 5.6m to the rear boundary. As there would be no windows to the rear elevation the single storey extension would not have any significant detrimental effect on residential amenity at properties on Prestwich Park Road South to the rear.
- The only new window to the east side elevation would be a first floor bathroom window. As this window would be obscurely glazed there would be no detrimental effect on residential amenity at no.9 St. Anns Road next door.
- There would be one window to the east side of the single storey rear extension which would overlook a small courtyard, with a new wall and gate built off the east side of the rear elevation. The new wall would be around 11m from the shared boundary with no.9 to the east. This would be more than a sufficient distance in terms of SPD 6.
- Both the neighbouring property and the site do have ground floor windows set further back however it is the two storey section to both buildings as existing that impacts on these windows.
- The new ground floor window and door to the west elevation would be to non-habitable rooms and they would not have any direct views over Westholme next door.
- The changes to the windows and door to the east elevation would be more than a sufficient distance to the eastern boundary so they would not have any significant detrimental effect on residential amenity at no.9 St Ann's Road next door.
- The agent has provided specifications for the proposed air conditioning unit which would be installed towards the centre of the rear elevation of the extension, around 6.2m away

from the shared boundary with the attached property. With regards to noise output levels, the air conditioning unit would produce around 34.2dB which would be within acceptable limits given it would be below 35dB. As such it is unlikely that it would cause any significant harm in terms of noise levels at the neighbouring property and would not warrant refusal.

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.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site has off street parking for over 3 vehicles and the proposal would add further parking at the front where the new entrance door with level access would be created.

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 drawing numbered 02D received on 07/12/2023 and drawings numbered 01 and 03E received on 07/02/2024 as modified by the email from The Wyvern Partnership LLP dated 07/02/2024. 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 extension 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.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

- 6 Prior to the commencement of the works to replace the new and extended driveway details/samples of the permeable paving to be used, as well as details of the brick type, colour and bond shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials 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 of the Bury Unitary Development Plan and associated 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 - 07/02/2024			