

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/07/2023	Ref: 69670/FUL
Registration: 22/05/2023	LDFC: 30/06/2023	Expiry Date: 17/07/2023
Site Visit: 13/06/2023	Site Notice: 13/06/2023	Press Date: 08/06/2023
Objections: 0	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.

Location: Lady Margaret House, 51 Prestwich Park Road South, Prestwich, Manchester, M25 9LF

Description

The dwellinghouse is one of a pair of semi-detached dwellinghouses on a large corner plot at the junction of St Ann's Road and Prestwich Park Road South. The dwellinghouse is a very attractive two storey mid-Victorian in the Polite Georgian style. Constructed in red brick, stone banding, plinth, eaves cornice, dentiled fenestration set back and hipped blue slate roof. It is considered to be a Non-Designated Heritage Asset (NDHA) and is within St Mary's Conservation Area.

Planning permission 62390 granted consent for, amongst other things, the relocation of the driveway off St Ann's Road and a new on site parking area and access off Prestwich Park Road South. As per the approved scheme, the new access onto Prestwich park Road South was formed and the access from St Ann's Road was closed off and the footway reinstated.

The proposed double garage would have a footprint 6965mm by 6965mm with a hipped roof to a maximum height of 3970mm. It would be constructed in brickwork with a natural slate roof. It would sit between the existing house and the St Ann's boundary. It would be set down from the side lawn area, to the level of the existing driveway to the front.

Relevant Planning History

62390 - Relocation of driveway & pedestrian access; demolition of rear outriggers; proposed new single storey rear ground and basement extension and first floor outrigger, minor alterations to existing windows, removal of existing roof dormers, addition of new rooflights. - Approved 29/03/2018

68488 - Proposed new detached garage at side with reinstated vehicular access - Refused 14/11/2022

Publicity

Immediate neighbours notified by letter dated 31/05/2023. Press and site notices posted, 6th and 13th June respectively. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Conservation Officer - Recommends refusal - see comments below.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
EN2/3	Listed Buildings

St Marys Conservation Area Appraisal and Management Plan - Bury Council 2009

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.

Policy and guidance - The NPPF Section 16 of the NPPF relates specifically to

conservation and heritage. It indicates that the effect of an application on the significance of heritage assets - in this case, the conservation area and the non-designated heritage asset - should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.

Most relevant UDP Policies are EN1/1 Visual Amenity. Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

UDP Policy EN2/3 Listed Buildings indicates that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- a) the impact of the proposal on the historic fabric of the building;
- b) the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
- c) the need to protect the setting of the Listed Building;
- d) the impact of associated ancillary facilities and infrastructure works.

The Council's document - St Marys Conservation Area Appraisal and Management Plan - (2009) is an important guidance document in helping to assess the appropriateness of proposals within the conservation area.

S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires Local Planning Authorities to consider the desirability for the preservation and enhancement of conservation areas and listed buildings including their setting.

Heritage Statement - A heritage report has been submitted with the application and states that the proposed garage would be a discrete structure, sunk below garden level would enhance the existing dwelling whilst retaining the open garden spaces facing both Prestwich Park Road South, and St Anne's Road.

It also states that the position would afford a sense of privacy within the existing garden when viewed from Prestwich Park Road South. Concealed by the existing landscaping and perimeter walls, the impact along Prestwich Park Road South will be minimal.

Heritage Assessment, Streetscape and Visual Amenity - In terms of the impact on the Conservation Area, the proposed detached garage would sit in the space between the side/north elevation of the dwellinghouse and St Anns Road and would be very prominent within in the site and wider street scene. Despite the existing boundary hedge along St Ann's Road, it would represent a dominant, incongruous and contemporising feature which would be at odds with the architectural grain and character of the conservation area. The large plots in which many of the large Victorian villas within the area are not characterised by large outbuildings in forward, prominent positions within the plots as this proposal represents.

The proposal would introduce an inappropriate structure within the plot that would neither preserve or enhance the character or appearance of the conservation area. The proposal would represent less than substantial harm to the significance of the conservation area, but at the higher end of that spectrum, without a perceived or identified public benefit that

would outweigh the harm identified.

In terms of the property as an Non-Designated Heritage Asset (NDHA), the proposal would have a direct and adverse impact on its setting by introducing a prominent and incongruous feature and causing significant harm to its significance and diminishing its contribution to the character and appearance of the conservation area.

The proposed garage would be unacceptable in terms of its impact both on the existing building and wider conservation area for the reasons stated above. It would not comply with adopted UDP policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, H2/3 Alterations and Extensions, St Marys Conservation Area Appraisal and Management Plan and Section 16 of the National Planning Policy Framework.

Residential Amenity - Given the siting of the proposed garage within the plot, there are no significant amenity issues arising in terms of the surrounding neighbours. As such the proposal accords with UDP Policy H2/3 in terms of residential amenity.

Access and Parking - Although the existing access onto St Anns Road, to the rear of the site should be closed with kerbs reinstated - in line with previous condition of approval, the access arrangements as proposed are acceptable subject to appropriate conditions.

Whilst a garage of some sort may be acceptable within the site, the proposal in its proposed form would not be acceptable.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of its size, siting and design would have a seriously adverse impact on, and neither preserve or enhance the traditional character or appearance of the Conservation Area of which the site forms part. The proposal therefore conflict with the following UDP policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, H2/3 Alterations and Extensions, St Marys Conservation Area Appraisal and Management Plan and Section 16 of the National Planning Policy Framework.
- 2 The proposal would adversely affect the character, appearance and historic interest of this non-designated heritage asset and its wider setting by introducing a prominent and incongruous feature within the plot and causing significant harm to its significance and diminishing its contribution to the character and appearance of the conservation area. The proposal therefore conflict with the following UDP policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN2/3 Listed Buildings, H2/3 Alterations and Extensions, St Marys Conservation Area Appraisal and Management Plan and Section 16 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	05/07/2023		