

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/04/2024	Ref: 70425/FUL
Registration: 02/02/2024	LDFC: 07/03/2024	Expiry Date: 29/03/2024
Site Visit: 19/04/2024	Site Notice: N/A	Press Date: 15/02/2024
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side/rear extension and external alterations

Location: 26 Hamilton Road, Whitefield, Manchester, M45 7WF

Description

The property is a 2 storey semi -detached residential dwelling on a corner plot. The house was built around the turn of the 19th & 20th Centuries and it sits within its own curtilage at the east end of the row, adjacent to the All Saints churchyard. The premises has garden to the front and rear and drive which is accessed via gate to the side. The attached dwelling is No.28 Hamilton but there are no properties on the opposite side or to the rear of the site, as the fields of All Saints Church surrounds the semi-detached property.

Planning permission is sought for the erection of a two storey side/rear extension. The proposed extension would project 3650mm to the side and 4000mm to the rear. The extension would have a setback from both the front elevation and from the shared side boundary. The development would have a pitched roof and accommodate two additional bedrooms, each with its own en suite bathroom on the first floor. On the ground floor, the development would facilitate a new toilet, utility room and the extension to the existing kitchen/diner. The proposal would utilise the use of matching materials.

Relevant Planning History

None.

Publicity

08/02/2023: Neighbour letters sent. No objections received.

29/03/2024: Public Site Notice displayed. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - Comments received.

Pre-start Conditions

N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PpE Policies 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, Design and Layout

The application site is located in the All Saints Conservation Area. As the site is located within Bury Town Centre Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP. Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The application site, one of a pair of semi-detached, two storey Edwardian villas. Red brick built, two storey single front bay with mock Tudor timber gable, stone sills and heads, arched soldier course and keystone above entrance, natural slate roof, original timber

casement windows with Art Nouveaux stained glass.

The building is not nationally listed but is sited within the Whitefield, All Saints Conservation Area. The Conservation Area Appraisal & Management Plan assesses the building as part of the row from No. 2 to 40 Hamilton Road to make a positive contribution to the character and appearance of the conservation area. The row is largely unaltered, and this enhances this contribution to the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The comments below are from the Conservation officer.

"In its current form the proposal would not be acceptable as it would not at least preserve the character or appearance of the conservation Area and there would be no public benefit identified that would outweigh the harm identified.

To make the scheme acceptable the single storey front element of the proposal should be removed as this serves no purpose in terms of usable space and would remove the incongruous gable at first floor level that would challenge the original gable of the two storey front bay, at which it would be visually at odds with. The window openings to the front of the proposed two storey side extension should be of the same size, proportion, design and materials as the existing single first floor window and should also have regard to the position and thickness glazing bars and set back. Windows should be timber single glazed. The glazing in these windows should be plain in order not to challenge the Art Nouveaux style existing glazing."

At the rear, the original ground floor window should be retained and the proposed bifold doors should be reduced in width across the proposed extension by 50%. This is in order to at least preserve the character and appearance of the conservation area by reducing the contemporising affect of the bifold doors and proposed patio doors which have the potential to be viewed from public areas across All Saints cemetery.

Following discussions with the agent, amendments as per requested by the Conservation Officer have been made. The single storey front element of the proposal has now been removed and the proposed incongruous gable that would have clashed with the original gable has also been removed. Additionally, all the other requested amendments such as the alterations to doors and windows have all been changed. Therefore, the proposal is now in line with the comments from the Conservation officer and there would be no impact on the significance of the Conservation Area or the street scene.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy on the first-floor level, there would be no proposed habitable window on either side of the extension and there would be sufficient distance to the side and rear boundaries. Furthermore, there are no properties to the side (east) and rear as the fields of All Saints Church surrounds the semi-detached property.
- There would be proposed ground floor windows from the dining room facing the

attached dwelling. However, these windows would be shaded by the existing fencing and the high scrubs.

- There would be no detrimental impacts on the attached neighbour, following the application of the 45-degree rule. Furthermore, the existing high trees and scrubs would further shade the development from this neighbour and there are no properties on the opposite side or the rear of the house.
- There would remain an acceptable amount of outdoor private amenity space.
- In terms of the general prominence and impact on daylight the proposed extension would be set off from the shared side boundary and would be to the north of the attached property. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore 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 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 Dwg. no. RC1147-2B, Dwg. no. RC1147-3C, Dwg. no. RC117.4B 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 Unitary Development Plan listed.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	24/04/2024	DM	25/04/24