

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/05/2024	Ref: 70595/FUL
Registration: 14/03/2024	LDFC: 02/05/2024	Expiry Date: 09/05/2024
Site Visit: 11/04/2024	Site Notice: 11/04/2024	Press Date: 28/03/2024
Objections: 0	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Alterations to existing structural openings and replacement windows and doors to rear elevation with internal refurbishment/reconfiguration works

Location: 24 Church Lane, Prestwich, Manchester, M25 1AJ

Description

The application relates to a terraced dwelling located on Church Lane. The premises is located within St Mary's Conservation Area.

Planning permission is sought for alterations to existing structural openings and replacement windows and doors to rear elevation. The proposal seeks to replace the existing first floor rear windows with white UPVC, and the existing ground floor windows and doors with black aluminium. The proposal would also include new external structural infill to suit new the window/door arrangement, made good to match existing white render finish.

Relevant Planning History

01936/E - Proposed alterations to basement to create a self contained home office - Enquiry completed 02/02/2017

56288 - Removal of front bay window and replacement windows at first floor to front. - Approve with Conditions 21/06/2013

61098 - Alterations to basement to create a self contained home office, external alterations and basement light well to rear - Approve with Conditions 23/03/2017

Publicity

Letters sent to 6 neighbouring properties

Site notice 11/04/2024

Press notice 28/03/2024

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Property & Technical Services - No comments

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

SPD6	Supplementary Planning Document 6: Alterations & Extensions
Area	Church Lane/Bury New Road/Clark's Hill
PR4	
NPPF	National Planning Policy Framework
JP-P2	Heritage

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 PfE 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.

Visual Amenity and Impact on 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.

As the site is located within St Mary's 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 that seek to preserve and enhance the special character or appearance of an 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 205 of the National Planning Policy Framework (NPPF) requires that 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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 main significance of the building is presented within the front elevation, which forms part of a row of Georgian style properties. The front elevation faces towards Church Lane and the conservation area. No amendments are proposed to this elevation.

The rear of the property holds less significance and there are a number of alterations to windows within this elevation that can be seen from the alley that runs along the rear of the site. This elevation faces towards the boundary of the conservation area which lessens it's significance.

The existing visible windows at first floor would retain their size, and arrangement but would be replaced be replaced within UPVC. There are already UPVC windows within the rear elevation of the terrace. The arrangement and style of the ground floor windows would be amended however these windows are screened by the existing boundary wall. These windows/doors would be replaced with aluminium which have a lower profile than UPVC and more closely replicate timber frames.

No objections are raised to the use of matching render to make good the rear elevations once alterations to the windows have been made.

Given the location of the proposed alterations within the conservation area and the lower significance of the rear elevation it is considered that the proposals would at least preserve the conservation area and therefore comply with the policy considerations set out above.

Residential Amenity

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

The first floor rear windows would retain their existing use.

The ground floor windows would also retain their existing use but some would be enlarged. Given their location these windows would be largely screened by existing boundary

treatments. As such it is considered that these windows would lead to a material loss of privacy for the neighbouring properties.

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 drawings numbered 01.02.01 Rev A, 01.02.02 Rev A, 01.03.01 Rev A, 01.05.01 Rev A, 01.05.02 Rev A, 04.02.01 Rev A, 04.32.01 Rev A, 04.05.01 Rev A, 04.05.02 Rev B 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 07/05/2024		DM - 07/05/2024	