

DELEGATED REPORT

Report by Helen Goldsbrough	Date of report: 09/10/2020	Ref: 65924/FUL
Registration: 11/09/2020	LDfC: 08/10/2020	Expiry Date: 06/11/2020
Site Visit: 24/09/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed garden room / sunroom in rear garden

Location: 32 Butt Hill Road, Prestwich, Manchester, M25 9NJ

Description

The application relates to a detached dwelling located on Butt Hill Road. The premises has been extended previously at single storey to the front, side and rear and alterations made to create accommodation at first floor. The premises has parking at the front, and an area of private garden to the rear.

Planning permission is sought for the construction of a detached outbuilding within the rear garden. The proposed outbuilding would be a maximum of 4000mm wide, 4800mm long and reach a maximum height of approximately 2900mm.

Relevant Planning History

47398 - Roof extension to create first floor; porch and roof extension at front; single storey extension at rear; pitched roof to existing side porch- Refused 02/02/2007

48171 - Roof extension to create first floor; porch and roof extension at front; single storey extension at rear; pitched roof to existing side porch (resubmission of 47398) - Approve with Conditions 23/07/2007

Publicity

Neighbour letters sent 11/09/2020 and 16/09/2020. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 victimization;

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

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.

The proposed outbuilding would be located entirely within the rear garden of the property and as such not visible from Butt Hill Road, or Butt Hill Drive at the rear. The proposed outbuilding would be finished in dark grey uPVC in a wood grain affect to the front, with render along the rear and side walls. The proposed outbuilding would have a flat roof which is considered to be acceptable in this instance. The proposal is considered to be of a suitable scale and would not result in over development of the amenity space associated with the dwelling.

Outbuildings of this nature are not uncommon within residential contexts, and as such it is considered that the proposed outbuilding would not detract from the character of the dwelling or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

In this instance, it is considered that the fall-back position of what could be built under permitted development rights is a material planning consideration and as such needs to be applied to this case. Page 12 of SPD 6 confirms this stating "Permitted Development rights are a material planning consideration and consideration will be given to what can be constructed without the need for planning permission when assessing a proposal." NPPF paragraph 38 also confirms that "Decision-makers at every level should seek to approve applications for sustainable development where possible" and as such the impact on the amenity of the neighbours in line with UDP Policy H2/3 part c needs to be fully considered prior to making a recommendation.

The applicant could construct an outbuilding in the same position, that is approximately 400mm lower than what is proposed. The outbuilding is located within the rear corner of the garden, and both the property at the rear (No. 11 Butt Hill Drive) and the property to the side (No. 30 Butt Hill Road) retaining a significant amount of amenity space that would not be adjacent to the proposed outbuilding. Considering that the applicant could construct a similar building in this location it is considered that the additional 400mm would no be overly overbearing in relation to the neighbouring properties.

Any proposed windows/doors face towards the host properties. Blank elevations face towards the boundaries with No. 30 Butt Hill Road and No. 11 Butt Hill Drive.

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 DDS2037.201 and DDS2037.001 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	09/10/2020	DM	02/10/2020