

**DELEGATED REPORT**

**Report by** Helen

**Date of report:** 18/11/2020

**Ref:**65864/FUL

Goldsbrough

**Registration:** 28/09/2020

**LDfC:** 30/10/2020

**Expiry Date:** 23/11/2020

**Site Visit:** 08/10/2020

**Site Notice:** 08/10/2020

**Press Date:** 08/10/2020

**Objections:** 1

**Con Area:** ALSA

**Adv Type:** CAAF

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** MIOT

**Proposal:** Construction of a raised patio at front; amendments to the front fenestration including new glazed openings to access the patio and relocation of a first floor window; single storey extension at rear and construction 1no. enclosed stairwell at rear.

**Location:** Whitefield House, 26 Church Lane, Whitefield, Manchester, M45 7NF

**Description**

The application relates to a detached property located on Church Lane. The site is located within All Saints Conservation Area. The property is currently utilised as a residential care home however it appears to be a former substantial detached residential property. The property is also included within the Local List as a grouping of dwellings (20 - 32) along Church Lane, however No. 24 is now gone. The grouping is depicted by the siting of three very large detached villas, of the late nineteenth century. The care home has parking located to the front, with gardens to the rear and has been substantially extended at two storey to the side and rear.

Planning permission is sought for the construction of a raised front patio that will be approximately 1000mm high, and project approximately 2870mm beyond the existing front elevation. This will be accessed from new glazed doors to the front ground floor elevation. A new first floor front window will also be inserted to this elevation. To the rear it is proposed to construct a single storey extension that projects approximately 6400 mm. A new rear enclosed stairwell is also proposed to the rear of the property that projects approximately 1700mm.

**Relevant Planning History**

40320 - Alterations and extensions to exiting care home to form 5 no. guest rooms laundry and relocation of office - approve with conditions 31/03/2003

32483 – Two storey extension to the existing nursing home and car park extension  
Approve with Conditions 04/02/1997

27646 Extension to existing nursing home – approve with conditions 16/11/1993

25042 – Extension to nursing home – Approve 01/11/1990

23710- Change of use from residential to nursing home; single storey bathroom at rear –  
Approve 11/01/1990

22939 – Change of use from residential to nursing home – Approve 27/07/2989

14824 – Single storey kitchen extension at rear – Approve 03/08/1983

**Publicity**

Neighbour letters sent 2/10/202

Press Notice 8/10/2020

Site Notice 8/10/2020

1 objection received from 3 Hamstead Drive

- currently work from home, and already get disturbed by noise coming from the building, any further works will disturb my job even more and have been asked by my employer to find somewhere quieter to do my role which i cant and any works may result in myself losing my job.
- building now looks into our apartment and after we bought it had no one overlooking into it.

Following an amendment to the description further neighbour letters sent 10/11/2020. No further representations received.

**Statutory/Non-Statutory Consultations**

**Conservation Officer** - No response

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

CF1 Proposals for New and Improved Community Facilities

EN1/2 Townscape and Built Design

EN2 Conservation and Listed Buildings

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

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. 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.

#### **Principle**

UDP Policy CF1 -Proposals for New and Improved Community Facilities seeks to support proposals where there would be no conflict with amenity or the local environment. The application seeks to make improvements to the existing care facility to provide for the existing and future needs of residents. The proposal is therefore considered to be acceptable in principle.

#### **Heritage**

As the site is located within All Saints Conservation Area it is necessary to consider the proposal in terms of the Town and Country Planning Listed Building and Conservation Act. In this regard proposals should either preserve or enhance the Conservation Area and in terms of policy consideration National Planning Policy Framework paragraphs 189-202 and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP.

The Conservation Area Appraisal for All Saints states that the majority of the Conservation Area is situated to the west of Bury New Road. The leafy residential suburb of Stand surrounds the area to the north, west and south, and there are commercial and industrial areas to the east. The main streets within the conservation area are Bury New Road, Hamilton Road, Church Lane, Higher Lane, Pinfold Lane and Knowsley Road. The area's origins are as open farming land, being part of the Pilkington estate. It was the building of All Saints Church in 1822 and the coming of the railway in 1879 that had the greatest influence on the area's growth into an elegant 19th and early 20th century residential suburb.

The appraisal describes the south side of Church Lane as being dominated by the church and the open space of the churchyard. This church faces the proposal site. Strong features along the road are the mature trees, which line the road, and the stone boundary walls to the various properties. The houses on the north side are very large, detached, two-storey properties set back within generous mature gardens, the care home is one of these former dwellings and has been converted and extended to provide it's current use. The houses on the south side are large semi-detached properties in smaller plots. The majority of these houses have external walls of red brick.

The proposed staircase, and single storey rear extension would be located to the rear of the site and screened from public views by the original property and the later extensions. As such it is considered these alterations would have a neutral impact on the Conservation Area. The alterations to the front of the property would also involve amendments to later extensions rather than the historic building however these would impact on a principal

elevation of the premises that is visible from Church Lane.

The patio area would be largely screened by the existing wall, banking and mature trees that depict the front boundary of the site. The proposed relocation of the first floor window would add an element of interest to this currently blank area of brick work and would be suitably aligned when viewed in relation to the existing window arrangements. The glazing along the ground floor would allow access to the proposed patio area, and would not interfere with the bay detailing to the front elevation of the main property or the bay detailing on the extension.

It is considered that this element of the proposal would represent less than substantial harm to the character and appearance of the conservation area as such to satisfy the requirements of paragraphs 189-202 of the NPPF. The public benefit of allowing residents access to an outside space has also been demonstrated and as such the proposal satisfies sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires convincing justification for any loss or harm to the significance of the conservation area.

It is therefore considered that the proposal would preserve the character of the Conservation Area and as such the proposal complies with UDP Policies EN2/1 and EN2/2 and paragraphs 189-202 of the NPPF.

In addition to the above the property is included on the draft local list and in consideration of paragraph 197 of the NPPF is considered to be a non-designated heritage asset.. As such, it is necessary to assess the proposal in terms of paragraph 197 of the NPPF which states that "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The proposals are limited to additions and alterations to the later extensions of the care home rather than the original 19th Century Villa. Given that the alterations would allow the retention of the use of the building, and its later additions, and the remaining historic fabric of the building will not be altered by the alterations included within this proposal it is considered that the proposal would comply with paragraph 197 of the NPPF.

### **Design and Layout**

UDP Policy EN1/2 - Townscape and built environment seeks to prevent unacceptable adverse impact on the particular character and townscape of the Borough's towns, villages and other settlements.

The proposed additions at the rear would be of a simple and unobtrusive design, and would not be visible from the public realm. The proposed additions would not overwhelm the property, or result in over development of the site. An area of external amenity space is still retained to the rear of the property for use of the residents.

The proposed patio to the front, and amendments to the fenestration are considered to be acceptable. The proposed windows are considered to be suitably aligned and the addition of a raised patio would not detract from the character of the main building. The proposed patio would not project excessively and would not project beyond the principle. The use of materials to match the existing property for both the front and rear additions is considered to be acceptable.

It is considered that the proposal would not detract from the character of the building, or street scene and as such would comply with UDP Policy EN1/2.

### **Residential Amenity**

There are no adopted aspect standards for relationships between commercial and residential properties however Supplementary Planning Document 6 provides guidance on

aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

No. 28 Church Lane has extended at single storey to the side and rear adjacent to the shared boundary with the site. The proposed single storey rear extension would not project beyond the rear of No. 28 as extended. There are no windows within the proposed single storey rear extension facing towards this property. Due to the nature of rooflights no overlooking foreseen. The proposed stairwell would increase the projection of the existing two storey rear extension. This stairwell would be sited approximately 9.7 metres off the shared boundary with No. 28 and as such would not intercept a 45 degree line as taken from the 1 metre point on the boundary (1 metre taken from the rear of the extension of 28 Church Lane). The proposed door to the stairwell facing towards the side boundary would relate to a non-habitable room and would be screened by existing boundary treatments. The proposed patio area would be screened from no. 28 by the existing building. In this instance it is considered that the proposal would not have a detrimental impact on No. 28 and would comply with aspect standards as set out within SPD 6.

The proposed window/door within the proposed single storey rear extension would be screened by the existing boundary treatments. There are no windows proposed in the rear elevation of the proposed stair well. SPD 6 requires a distance of 6.5 metres between ground floor habitable room windows and blank single storey elevations, and 13 metres between ground floor habitable room windows and blank two storey elevations. The proposed stairwell increases in height from single, to two storey in height and would be located approximately 11.3 metres from the rear ground floor windows of No. 6 Avondale Road. The highest point of the stairwell is located to the rear of the garage of this property, with the single storey element faces the ground floor windows. As such it is considered that the proposal complies with aspect standards as set out within SPD 6.

There are no dwellings directly to the east of the site however there does appear to be an area of public amenity space relating to Hamstead Drive and private amenity space relating to 1 - 5 Hamstead Drive located to the east. The proposed windows within the stairwell facing towards the eastern boundary would relate to a non-habitable space and as such aspects not applied. Internal alterations proposed as a result of the construction of this stair well would see an existing stairwell window in this side elevation being amended to a first floor side bedroom window. This window would be located approximately 7.4 metres from the eastern side boundary complying with the 7 metres required by SPD 6. The proposed patio area would be screened from the adjacent public amenity space by a number of trees and as such no loss of privacy foreseen.

There are no dwellings directly facing the front of the site. The church, and grave yard face the site and are separated from the proposal site by a highway. As such no loss of privacy foreseen.

### **Response to Neighbours**

Impact of proposal on residential amenity has been assessed within the main body of the report and aspect standards have been complied with. The flats at 1 - 5 Hamstead Drive are located approximately 27 metres from the proposed staircase which is the closest part of the development being considered and are separated from the site by a number of mature trees and an intervening public right of way.

Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working are covered by Control of Pollution Acts and are non-material planning considerations not relevant to the decision.

### **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

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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 the drawings received on 20/580.SLP, 20/580.BP, 20/582.03, 20/580.07, 20/580.08 A, 20/580.15, 20/580.18, 20/580.19, 20/580.20, 20/580.21, 20/580.22 and 20/580.23 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Helen Goldsbrough   | 18/11/2020  | Dave Marno              | 23/11/2020  |