

DELEGATED REPORT

Report by Mark Kilby	Date of report: 14/11/2022	Ref: 68488/FUL
Registration: 01/07/2022	LDFC: 27/09/2022	Expiry Date: 26/08/2022
Site Visit: 16/07/2022	Site Notice: 16/07/2022	Press Date: 07/07/2022
Objections: 0	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed new detached garage at side with reinstated vehicular access

Location: Lady Margaret House, 51 St Anns Road, 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 two storey mid-Victorian in the Polite Georgian style. 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 Anns Road and a new on site parking area and access off Prestwich Park Road South. The pre-existing vehicular access from St Anns Road was to be closed off. This element of the approved scheme has been implemented with the access off St Anns Road closed off and the footway reinstated.

This application is for the reinstatement of the original access off St Anns Road and the erection of a detached garage at what would be the reinstated access.

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. - Approve with Conditions 29/03/2018.

Publicity

Letter to nearby addresses 1/7/22, site notice 16/7/22 and press notice 7/7/22. No objections or comments received.

Statutory/Non-Statutory Consultations

Traffic Section - Objected with the following reasons:

1 - The proposal would result in the creation of an access onto St Ann's Road that is sub-standard in terms of visibility at both the junction with St Ann's Road at the back edge of the footway and from a property that is already adequately and safely served from Prestwich Park Road South, which would be detrimental to highway safety.

2 - The proposal does not provide sufficient room to enable a vehicle to stand clear of the highway whilst the garage doors are opened and does not allow adequate space to maintain a vehicle clear of the highway and the operation of the proposed gate, which would be detrimental to highway safety.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
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 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.

Conservation Area - The proposed detached garage would sit in a space between the

north elevation of the dwellinghouse and St Anns Road and would be prominently visible in the street scene. It would represent an 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 are set are not characterised by large outbuildings in forward prominent positions within the plots. The previous consent 62390 provided a new access and additional on site parking subject on the condition that the St Anns Road access was closed off and the footway reinstated. This element has been implemented and as such it restored that part of the original historic street scene within the conservation area at least preserving its character and appearance. This application proposes to reverse that situation which would not preserve or enhance the character or appearance of the conservation area.

In totality the proposal would represent less than substantial harm to the significance of the conservation area without a perceived or identified public benefit that would outweigh the harm identified. As such the proposal would not comply with adopted UDP policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control or paragraph 203 of the National Planning Policy Framework.

Non-Designated Heritage Asset - The proposal would have a direct impact on the setting of the NDHA causing harm to its significance. The proposed garage would represent an incongruous and contemporising feature with the setting of the NDHA causing harm to how the existing dwellinghouse is experienced especially in views from Prestwich Park Road South and therefore causing harm to its significance and diminishing its contribution to the character and appearance of the conservation area.

Highway Safety - The proposed reinstatement of the vehicular access off St Anns Road and operation of the proposed garage would be sub-standard. The Councils' highways team have object for the following reasons:

1 - The proposal would result in the creation of an access onto St Ann's Road that is sub-standard in terms of visibility at both the junction with St Ann's Road at the back edge of the footway and from a property that is already adequately and safely served from Prestwich Park Road South, which would be detrimental to highway safety.

2 - The proposal does not provide sufficient room to enable a vehicle to stand clear of the highway whilst the garage doors are opened and does not allow adequate space to maintain a vehicle clear of the highway and the operation of the proposed gate, which would be detrimental to highway safety.

As such the proposal would not comply with adopted UDP policy HT2/4 - Car Parking and New Development.

Residential Amenity - It is not considered the proposal would have such a negative impact on the residential amenity of nearby occupiers so as to warrant refusal on the grounds of residential amenity. As such the proposal would comply with adopted policy H2/3 - Extensions and Alterations and SPD6 - Alterations and Extensions to Residential Properties.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of its size, siting, materials and design would have an unacceptable impact on the character and appearance of St Mary's Conservation Area of which the site forms part causing less than substantial harm to the significance of the conservation area without any public benefit. The proposal

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would neither preserve or enhance the traditional character or appearance of the Conservation Area. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control.

- 2 The proposal would have a direct impact on the setting of the Non-Designated Heritage Asset (NDHA) causing harm to its significance. The proposed garage would represent an incongruous and contemporising feature with the setting of the NDHA causing harm to how the building is experienced especially in views from Prestwich Park Road South and therefore causing harm to its significance and diminishing its contribution to the character and appearance of the conservation area. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and paragraph 203 of the National Planning Policy Framework.
- 3 The proposal would result in the creation of an access onto St Ann's Road that is sub-standard in terms of visibility at both the junction with St Ann's Road at the back edge of the footway and from a property that is already adequately and safely served from Prestwich Park Road South, which would be detrimental to highway safety. The proposed development therefore conflicts with adopted UDP policy HT2/4 - Car Parking and New Development.
- 4 The proposal would be an intensification of the use of a site with inadequate access and servicing arrangements and would be detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with adopted UDP policy HT2/4 - Car Parking and New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	14/11/2022		