

DELEGATED REPORT**Report by** Amanda**Date of report:** 25/05/2022**Ref:**68140/FUL

Uhunmwagho

Registration: 14/03/2022**LDfC:** 09/04/2022**Expiry Date:** 09/05/2022**Site Visit:** 29/03/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:****Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: First floor infill extension at front / side with supporting brick piers; elevational changes; part conversion of garage together with addition of windows / doors to form succah

Location: 10 Bury Old Road, Prestwich, Manchester, M25 0EX

Description

The application relates to a two storey, previously extended detached dwelling. The property fronts on to Bury Old Road and there is a large front garden with many trees and other planting throughout. To the front there is pedestrian access only from Bury Old Road. Vehicular access is to the rear of the site off Ravensway Place which is an unadopted road providing access to two detached properties actually on Ravensway Place as well as the rear of numbers 10, 12 and 14 Bury Old Road. Numbers 12 and 14 Bury Old Road have garages and parking directly adjacent to the road whilst there is a cobbled parking area to the rear of number 10 and a garage set back from the road.

The proposal is to build a first floor extension to the front south east corner of the existing dwelling. The extension would be built on pillars. It would provide two en-suite bathrooms at first floor level with an open area below. It would measure 3.82m x 4.86m and it would have a hipped roof.

To the rear there would be some larger windows installed due to the change of the internal layout of the property.

The existing detached garage to the rear of the site would remain in the same position but the rear part of the building (closest to the dwelling) is to be converted in to a room with new windows and access door fitted. Part of the existing roof would be replaced with a flat roof and a Succah roof lantern would be installed. There is existing parking outside of a wall to the rear of the site and the garage would remain in the same position.

Relevant Planning History

51966 - TWO STOREY EXTENSION AT SIDE AND REAR; SINGLE STOREY EXTENSION AT REAR - Refuse/Refused 13/01/2010

52169 - Two Storey Extension At Side/Rear; Single Storey Extension At Rear (Re-submission of 51966) - Approve with Conditions 23/02/2010

53282 - Non-material amendment following grant of planning permission 52169 to replace upvc doors with windows - Approve with Conditions 11/11/2010.

Publicity

Neighbours notified on 18/03/2022 - No comments or objections received

Statutory/Non-Statutory Consultations

Traffic Section - The Highways officer was consulted but as Ravensway Place is not an adopted road they advised that although they feel the parking arrangements are poor it is

not for them to comment on. The Highways officer has advised that they have no objections to the proposal.

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 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

With regards to the proposed first floor extension to the front/side of the main dwelling it would be built with materials and a design that would be considered to be in keeping with the existing building. Given that the dwelling is set back over 17m from Bury Old Road in front and it is heavily screened by mature planting and trees within the site there would be no significant detrimental effect on the character of the existing street scene.

To the rear of the property there is around 15m from the rear elevation to the rear boundary with an access road directly to the rear. The proposed changes to fenestration on the rear elevation would not have any detrimental effect on the street scene.

Only the rear of the existing garage is to be converted. As such the view of the garage from the rear of the site would remain as it is now. As the conversion to the rear of the garage may only be visible from the rear gardens of the two adjacent properties the garage conversion, including Succah roof would be considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The front extension would be more than a sufficient distance to properties on the opposite side of Bury Old Road and the windows to the front elevation would be to an en-suite bathroom only.
- The extension would be built adjacent to the blank two storey elevation of no.8 Bury Old Road next door.
- The new first floor windows to the rear elevation would overlook the applicants rear garden only and not directly towards neighbouring properties or gardens.
- The garage conversion would be used as additional living space and it would have a Succah roof. It is noted that the garage could be converted under Permitted Development rules anyway and the building is set far enough away from the rear of no.8 next door not to have any significant detrimental impact on residential amenity at that property.

Taking the above in to account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Parking -

Part of the proposal includes converting part of the existing garage in to a room. As such the impact on parking needs to be assessed. It is noted that only the rear part of the garage is to be converted meaning that there would still be space to park one vehicle in the existing garage.

The applicant currently parks on a cobbled area of land outside of their garden wall. Numbers 12 and 14 Bury Old Road have garages in a similar position to the parking area on site. The revised site plan received on 10/05/22 shows that the applicant appears to own some of the land they use to park and a section of the land is part of the unadopted road to the rear of the site (Ravensway Place). The agent advised that the applicants have used all of this land for parking on for over at least 4 years.

DELEGATED REPORT

The plan shows that the application would park two vehicles on the land, albeit one vehicle would be parked in an awkward position. However, even if the applicant could only park one vehicle on the land there is also one space in the garage, resulting in at least two parking spaces within the site boundary. Given that the number of bedroom at the property would be reduced from 5 to 4 bedrooms the existing parking area to the rear of the site, including one space in the garage would be considered acceptable in this instance.

It is also noted that the property is located on a main road with public transport available. In this instance then the parking arrangements are considered sufficient.

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 002 Revision 1, 003 Revision 3 and 004 revision 1 received on 25/02/2022 and revised drawing numbered 001 Revision 2 received on 10/05/2022 as modified by the email from Gold Sketch Studios Ltd dated 10/05/2022. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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>
AU - 25/05/2022			