

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 28/03/2023	Ref: 69229/FUL
Registration: 09/01/2023	LDfC: 17/02/2023	Expiry Date: 06/03/2023
Site Visit: 09/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey outbuilding at rear; Amended parking with dropped kerb; Reposition access gate at the side.

Location: 26 Fairway, Prestwich, Manchester, M25 0JH

Description

The application relates to a two storey semi-detached house fronting on to Fairway, with Linksway to the south. It has been previously extended. At the front of the site there is a low brick boundary wall with planting to the inside of the boundary. There is an existing drive space to the front which is accessed over the corner junction where Fairway meets Linksway. There is a 1.8m boundary fence to the side of the site and vehicular access at the rear leading to a detached garage, which is dilapidated.

Planning permission was recently granted at the property on 22/12/2022 (68767) for an extension to the property and new parking space to the rear. The current application is in respect of a new detached outbuilding to the rear garden with amended parking and dropped kerb. the extension to the dwelling would be carried out as per the approved application ref 68767.

The outbuilding would measure 3.4m wide and 8.65m long. It would measure 2.79m to the eaves and would have an overall height of 3.67m. The roof would be hipped. There would be obscurely glazed windows to the side and rear elevations and a door and window to the front elevation. Part of the existing lawn would be removed and a new driveway created. It would measure 2.4m x 5m and the plans show that it, and an area to the side where the new hardstanding would meet existing hardsanding would have a semi-permeable surface.

At the front of the property the existing vehicular access would be blocked up with a new wall and hedge to match the existing wall and hedge along the front boundary. This was approved as part of application 68767. The existing boundary fence would remain but the existing access gate would be blocked and a new sliding timber gate installed to the same height as the existing fence. The dropped kerb in front of the existing access would be reinstated and a new dropped kerb would be installed to the front of the proposed access.

Relevant Planning History

56807 - Two storey side and single storey rear extensions - Approve with Conditions 26/11/2013

65103 - First floor extension at rear - Approve with Conditions 09/03/2020

68767 - Two storey side extension; New low level boundary wall to the front with hedging; Remove existing detached garage at rear to create a new drive way using existing vehicular access. - Approve with Conditions 22/12/2022

Publicity

Neighbours notified on 26/01/2023 - Two objections were received. summary of their

objections is listed below.

- They are happy the applicant is extending the house but in their opinion the outbuilding in the back garden is tremendously out of proportion.
- It would stand 3.6m tall in the direct line of all their downstairs windows on the rear of their property. It would restrict light to the rear windows which provide 75% of light to their living spaces during the day.
- Family spend most of their day at home and it would impact on them in a very significant way.
- They would be happy to discuss things with their neighbour, or agent, to look at alternatives to the proposed building, but to date their requests have been ignored or declined.
- The garden is a necessity and the proposed outbuilding would deprive their family of sunshine to the garden and house.

Following receipt of revised plans the objectors were emailed copies of the plans on 01/03/2023 - No further comments or objections have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The proposed wall with hedge the front corner of the site has already been approved as part of application 68767. This part of the development would be considered to be in keeping with the existing boundary treatment to the front of the site and with the general streetscape.

The existing fence to the side of the site would remain as it is and the proposed new section to the rear of site which would replace the existing gate would be timber to match the rest of the fence. The timber sliding gate would also be timber to match and would be built to the same height as the fence. This would be considered in keeping with the boundary treatment which is existing on site.

The proposed outbuilding would be to the rear of the dwelling, but as the site is situated on the junction of Linksway and Fairway it would be visible from Linksway. The walls would have a brick finish to match the main dwelling and the roof would also match that of the main dwelling.

The outbuilding would project just over 4.5m past the front elevation of no.2 Linksway to the rear, so it would be openly visible from Linksway to the south of site. However, given that the building would be built to the rear of the site the applicant would most likely be able to build an outbuilding with a similar footprint as permitted development. It would measure 2.79m to the eaves and would have an overall height of 3.67m. As such the eaves height would be higher than what would be allowed as permitted development, but the overall height would be within the permitted development limits.

The hipped roof would lessen the impact of the building, as viewed from Linksway. With this and the above in mind the proposed outbuilding 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 outbuilding would be classed as non-habitable, therefore its distance from neighbouring properties on Linksway would be considered acceptable.
- The outbuilding would project just over 4.5m past the front elevation of no.2 Linksway to the rear of site and it would be adjacent to the driveway at this property. However, the outbuilding would be set back from the side boundary by around 1.6m, which means there would not be any significant obstruction in terms of visibility for car users pulling on and off the driveway at no.2 Linksway.
- The outbuilding would be around 7m from the rear elevation of no.28 Fairway, to the north. This distance would be acceptable in terms of SPD 6 and as windows to the rear and side elevations of the outbuilding would have obscure glazing there would be no concerns regards loss of privacy to the property and garden at no.28 Fairway, next door.
- It is noted that the ground level of the rear garden is slightly lower compared to the internal floor level of the application dwelling and no.28 next door. Taking in to account that the outbuilding would not directly face on to the rear elevation of no.28, the garden level is lower compared to the floor level in the house and that the roof would be hipped, any impact on light to the rear of this property would be minimal and not considered sufficient enough to warrant refusal.
- Light to the rear of no.28 is already restricted somewhat due to an existing two storey extension to no.2 Linksway to the rear and also there is a large tree to the rear garden of no.28, which would block a significant amount of light to the rear of this property, especially when it is in full leaf. Given that the outbuilding would be situated to the side/rear of the tree at no.28 it is considered that it would not cause any more of an interruption to light to the rear of that property than the tree in the neighbour's own garden does already.
- The plans show that all of the works would be carried out within the site boundaries.
- The infill boundary wall to the front has already been approved as part of the previous planning application.
- The majority of the fence to the side of site would be retained with the addition of a new sliding gate and new fence to replace the original access gate. The plan show that the new gate and fence would be erected in line with the existing fence. As such there would be no concerns regards encroachment on to the highway.
- The new gate would be a sliding gate which would slide along the inside of the boundary fence. As such it would not cause obstruction on the adjacent highway.
- The height of the new fence close to the boundary with no.2 Linksway would be the same height as the existing boundary fence. As such this would not cause any significant detrimental effect on residential amenity at this property.
- The position of the new vehicular access gate and dropped kerb would be situated well away from the junction of Linksway and Fairway. As such it would not have any significant detrimental impact on passing vehicles and pedestrians.
- There is an existing area of hardstanding to the front, side and rear of the property. The plans show that a new driveway would be created to the rear garden which would link up to the existing hardstanding. The plans are annotated to show that the materials used for the new drive area would be permeable. As such there would be no concerns regards flooding due to the additional area of hardstanding.
- The agent provided a section drawing of the proposed eccentric foundations. As such there would be no concerns regards encroachment of the highway.

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 in terms of separation distance to the surrounding properties.

Parking -

An existing driveway to the front would be lost due to development at the site and the existing garage to the rear of the site would be removed. However, a new parking space would be created to the rear garden, accessed from Linksway. Although parking on site would be reduced from 2 spaces to 1 there is ample on street parking to the front and side of the site as well as the area being high access in terms of public transport routes. In this

instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The objections have been addressed in the report above.

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 drawing numbered 001 received on 10/01/2023, drawing numbered 003 Rev 2 received on 01/03/2023, drawing numbered 005 Rev 3 received on 21/03/2023 and drawing numbered 004 Rev 7 received on 27/03/2023 as modified by the emails from Gold Sketch Studios Ltd dated 01/03/2023, 21/03/2023 and 27/03/2023. 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 be as shown on the approved plans.
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.
- 4 The development hereby approved shall not be brought into use until the car parking and boundary wall alterations indicated on approved plan reference 004 Revision 7, incorporating the reinstatement of the redundant footway crossing and provision of a new footway crossing to a scope and specification to be agreed with the Highway Authority, demarcation of the limits of the adopted highway, sliding gate, replacement boundary fences and walls with foundations that do not encroach under the adjacent adopted highway, hardstanding to the dimensions shown in a permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, have been implemented.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 6 Before the first occupation of the detached outbuilding hereby permitted the windows on the side and rear elevations shall be fitted with obscured glazing and be

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unopenable to an internal height of 1.7m. They shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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 -	28/03/2023	HL	29/03/23