

DELEGATED REPORT

Report by Helen Pressley	Date of report: 21/06/2024	Ref: 70775/FUL
Registration: 20/05/2024	LDfC: 20/06/2024	Expiry Date: 15/07/2024
Site Visit: 13/06/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: First floor extension at front

Location: 90 Kings Road, Prestwich, Manchester, M25 0FY

Description

The application site relates to an existing two storey synagogue on the corner of Kings Road and Harrogate Avenue. There is a pair of semi-detached houses to the west and further housing to the east along Kings Road and south on Harrogate Avenue. There is a commercial shopping centre further to the west along Kings Road and a primary school opposite. The premises has an existing single storey flat roof extension to the front.

Planning permission is sought to extend at first floor across the extent of the existing single storey front extension. The proposed extension would project out approximately 3.8m and run across the frontage, stepping back at the entrance on the west side. The new build would be constructed in red brick retaining the existing stone parapet feature above the existing ground floor. The corner of the new build would replicate the octagonal bay on the existing corner.

Relevant Planning History

01857/E - Proposed extension to synagogue - Enquiry completed 18/07/2016

43627 - Certificate of lawfulness for proposed conversion of property to 2 semi detached units (Class C3) - Lawful Development 20/12/2004

60933 - Single storey front extension - Approve with Conditions 02/02/2017

62937 - Dormers at front and rear to form office space - Approve with Conditions 27/07/2018

64583 - Variation of condition no. 2 (approved plans) of planning permission 62937: Hipped to partial gable, raising of ridge and additional dormer at front - Approve with Conditions 24/10/2019

Publicity

Neighbour letters sent to 23 neighbouring properties on the 29th May 2024.

1 representation of support received in relation to:

- As a member of the community, I am very fond of this project which is believed to be an absolute essential for this growing and thriving vibrant congregation as they provide the core of religious lifestyle as fabulous outreach in the neighbourhood.
- The proposed construction is highly recommended and will enhance the look of this already beautiful building, which is currently bursting at its seams due to the vast amount of daily activity for all age groups, ranging from prayer & studies through to youth clubs and much needed office space which are very scarce in the area.
- I look forward to seeing this project being brought to fruition in the near future.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - no comments to make on this application

Traffic Section - No objections received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
H3	Incompatible Uses in Residential Areas
H3/2	Existing Incompatible Uses
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-P1	Sustainable Places

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Use

Policy H3 seeks to restrict the development of incompatible uses in areas which are primarily residential in nature. Policy H3/2 seeks to ensure that any existing conflicts are resolved where possible and will encourage and, where appropriate, implement measures to:

- a) control future land uses so as to minimise or remove conflicts;
- b) control the intensification or expansion of non-conforming uses where possible;
- c) control the operation of adjacent uses where possible in order to minimise areas of conflict and potential nuisance;
- d) introduce environmental improvements or traffic management schemes where appropriate.

Policy JP-P1 aims to create a city region that provides a series of beautiful, healthy and varied places that area well-served by local shops, services and amenities. Policy JP-P3 confirms that boroughs within the Development Plan boundary will proactively develop and support cultural businesses and attractions in our cities and towns through a range of measures including enhancing existing, locally-distinct clusters of cultural facilities.

Policy CF1/1 sets out criteria for assessment:

- a) impact on residential amenity and the local environment;
- b) traffic generation and car parking provision;
- c) the scale and size of the development;
- d) where applicable, access to shops and other services;
- e) if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- f) accessibility by public and private transport;
- g) the needs and requirements of the disabled;

The use of the site as a small synagogue is established, and the proposal does not seek to amend opening hours.

A supporting statement has been submitted with the application and sets out the need for the extension and confirms why the previously approved roof extension was not brought forward. The applicant states that the additional space created by the proposed first-floor extension is equivalent to the space that would have been gained by the second-floor addition that has not been implemented.

In terms of the above criteria, the proposal is generally supported. It is an addition to an existing facility that is small in scale, there are no serious traffic issues and it is located within the middle of the Jewish community and in a relatively sustainable location. There is

existing level access.

Layout and Design

Policy EN1/2 seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area. Policy JP-P1

Whilst Kings Road is a long road comprised of varying types and styles of buildings and dwellings the predominant form is 1930s, semi-detached dwellings. The application property is located on a prominent corner plot on the junction of Kings Road and Harrogate Avenue. The neighbouring properties have not remained uniform in design, with changes to fenestration and doors and in some cases the addition of porches however, when viewed from the street, the buildings are similar in style and position and give a pleasing harmonious impression of cohesiveness and symmetry. The front gardens of properties along Kings Road, whilst not large, act as a valuable buffer and help prevent buildings encroaching towards the public footpath.

In terms of streetscape whilst the existing single storey front extension projects beyond the existing building line this extension has been designed in such a way to minimise its potential impact within the street scene with the flat roof providing an important break in built form and scale allowing the appearance of a buffer between the building and public footpath to be retained. By introducing a first floor it is considered that the proposal would break up the existing building line along this part of Kings Road and would detract from the character of the semi-detached 30's housing style that is predominant along the road.

No other properties within the immediate row have a two storey front extension to the scale of the development proposed. Despite the proposed extension being designed to match the host property in terms of design and materials, due to its size and projection, the proposed front extension would look unbalanced and would be an incongruous addition to the street scene. The scale and massing of the 3.5m front first floor extension would be disproportionate, over dominant and out of character when compared to the host property and neighbouring properties. This would have a negative effect on the character and appearance of the area and as such can not be supported.

The LPA agree with the applicant that the proposed extension would bring social and small economic benefits. However, good design is an important aspect of sustainable development. Considering the three dimensions of sustainable development together the economic and social benefits would not outweigh the environmental harm identified above. Therefore, the proposal would not represent sustainable development set out within paragraph 8 of the NPPF.

It is noted that the applicant has submitted massing comparisons between the proposal and the previously approved roof alterations scheme. The previously approved scheme however appears to have lapsed and as such is not a reasonable fall back as this would need to a new application, to be assessed under the current development plan policies that were not in place in 2018. The submitted 3D streetscenes are also limited in their perspective and view points and do not take into consideration the wider street scene.

It is therefore considered that the design of the proposed first floor extension is neither appropriate to, nor sympathetic with the existing structure and would be a prominent and intrusive feature in the street scene by reason of its size, position and projection, and would therefore be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:

CF1/1 - Location of New Community Facilities

EN1/3 - Townscape and Built Design

JP-P1 - Sustainable Places

Residential amenity

Policies H3, H3/1 and CF/1 set out above seek to ensure that the amenity of neighbouring premises are not impacted by a proposal.

The proposed block plan that has been submitted with the application is lacking in detail and does not show the location of the windows in the neighbouring property (No. 88 Kings Road) or provide any assessment of the proposal in terms of potential overbearing relationships. The block plan appears to indicate that the front elevation of No. 88 is set approximately 3.9 metres back from the edge of the highway however Ordnance Survey mapping indicates that this property is located approximately 5 metres from the edge of the highway.

It is noted that OS data can sometimes conflict with what is on the ground, and as the LPA have not been able to access the neighbouring site an assessment of the proposal on the amenity of the neighbouring property has been made on the limited block plan, and cross referencing with the existing floor plans and elevations and existing and proposed street scenes.

The proposed first floor extension, including the overhanging roof canopy feature would project approximately 2.5 metres beyond the front elevation of No.88 Kings Road as shown on the site block plan. The proposed extension would not appear to therefore impact on a 45 degree line as taken from the nearest ground floor habitable room window of No. 88 (bay window adjacent to No. 86).

The proposed extension, including the overhanging roof canopy feature would appear to project approximately 4.4 metres beyond the adjacent first floor habitable room window of No.88. Based on the submitted block plan the proposed extension would therefore not appear to impact on a 45 degree line as taken from the nearest first floor habitable room window.

It is also acknowledged that the windows of No. 88 face broadly north and as such, even if the proposal did minimally encroach over the 45 degree lines discussed above it is unlikely that the proposal would lead to an unacceptable level of overbearing to warrant the refusal of the scheme.

The dwelling to the east of the site (No. 92 Kings Road) is not shown on the proposed block plan but is separated from the site by Harrogate Avenue. As such, the proposal would not impact on a 45 degree line as taken from the front habitable room windows of this property.

The proposed extension would directly face the junction of Kings Road/Bishops Road and a school. The proposed extension would be separated from the school by a highway and as such no undue loss of privacy is foreseen.

The proposal does not indicate that there would be any amendments to the existing hours, and states that the proposal is to accommodate existing needs rather than proposed needs as such it is considered that the proposal would not lead to the intensification of the use of the site.

Traffic

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. In terms of parking standards Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

Given the modest increase in floorspace over the existing, the previously approved roof alterations at the site, the limitations on vehicular use within this community in respect of

worship on the Sabbath and the fact that the facility is in the midst of the community it serves, the likelihood of serious traffic issues arising is negligible. The proposal is considered to be, on balance, acceptable and complies with the policy considerations set out above.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

Within the acknowledgement letter for the planning application, the applicant was asked to update their planning statement within 14 days to demonstrate how the development would comply with this policy. This information has not been submitted.

Response to representations

It is considered that the material planning considerations have been addressed within the main body of the report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The design of the proposed first floor extension is neither appropriate to, nor sympathetic with the existing structure and would be a prominent and intrusive feature in the street scene by reason of its size, position and design, and would therefore be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:
CF1/1 - Location of New Community Facilities
EN1/3 - Townscape and Built Design
JP-P1 - Sustainable Places
- 2 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 of the Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 21/06/2024		DM - 24/06/2024	