

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/11/2022	Ref: 68957/FUL
Registration: 05/10/2022	LDfC: 18/11/2022	Expiry Date: 30/11/2022
Site Visit: 10/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Garage conversion; Loft conversion; First floor rear juliette balcony; Widening of existing vehicular access and addition of gate

Location: 13 Butterstile Lane, Prestwich, Manchester, M25 9PW

Description

The application relates to a detached dwelling house located on Butter stile Lane. The premises has an area of garden to the front, with a driveway that leads to an attached garage. To the rear the premises has a further area of garden. Properties No.11 and No.15 are on either side of the dwelling. There is sufficient distance to the properties to the front and rear.

Planning permission is sought for the conversion of garage and loft; the installation first floor rear Juliette balcony and the widening of existing vehicular access together with the installation of front gates.

Relevant Planning History

None.

Publicity

Neighbour Letters sent on 28/10/2022. No objections received.

Statutory/Non-Statutory Consultations

Comments from Traffic Section

- The height of the gate and pillars should be brought down to 1 metre high.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Visual amenity –

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposal initially involved a 1.5 metres high brick wall pillars with 1.2 metres high gates. However, the Highway officer objected and suggested it should be brought down to 1 metre, as a driver would be able to see over it. The agent has agreed to this request and submitted revised plans showing 1-metre-high gates and 1 metre high pillars. Given, its new height this would now be classed as a Permitted Development and therefore acceptable. The new access would see a loss of some of the grass verge however an amount is retained as far as is practical. As such the proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Situated to the rear, the first floor Juliette balcony would not be visible from the street scene and would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed loft conversion would also be modest and would have no dormers. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan

and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, the proposed Juliette balcony would replace an existing window and therefore would have no detrimental impact on the adjacent neighbours. Furthermore, there would be 29 metres to rear boundary exceeding the 7 metres required by SPD 6.
- The gates along the frontage would not be of an excessive height and as such, there would be no serious impact on the amenity of the adjacent neighbours.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways

The proposal will result in one additional bedroom and the new driveway would meet the maximum parking requirements.

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 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 drawings numbered 2022-1651-P-101, 2022-1651-P-102, 2022-1651-P-103, 2022-1651-P-104, 2022-1651-P-105, 2022-1651-P-106, 2022-1651-P-107 Rev A, 2022-1651-P-109, 2022-1651-P-110 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.

<u>Case Officer</u> MW	<u>Date</u> 24/11/2022	<u>Sign off Officer</u>	<u>Date</u>
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