

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 18/11/2022	Ref: 68804/FUL
Registration: 23/09/2022	LDFC: 19/10/2022	Expiry Date: 18/11/2022
Site Visit: 08/04/2021	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: Variation of condition no. 2 (approved plans) of planning permission 67324 for external changes including an increase in width of rear basement extension, changes to fenestration detailing, balustrade and brick colour (to grey brick), enlargement of roof light and addition of a tile clad canopy with associated internal alterations

Location: 21 Sheepfoot Lane, Prestwich, Manchester, M25 0BN

Description

The application relates to a large 5 bed detached dwellinghouse on Sheepfoot Lane. At the front there is a large area of hard standing used for parking.

The east side of the dwellinghouse immediately abutts the boundary with No. 22, which is landscaped by tree planting and on the west side to No. 20 there are trees marking the boundary. At the rear of the dwellinghouse there is a grassed garden which is heavily planted with trees beyond which are houses on Downham Crescent.

The dwellinghouse is split level, 2 storey at the front and 3 storey at the rear with the lower ground floor/basement located at the rear where the land drops a storey in level.

Planning permission 67324 was granted in November 2021 for a two storey side and rear extensions with a balcony and basement extension.

The proposal is for the variation of condition no. 2 (approved plans) of planning permission 67324 for external changes including an increase in width of rear basement extension, changes to fenestration detailing, balustrade and brick colour (to grey brick), enlargement of roof light and addition of a tile clad canopy with associated internal alterations. The two storey side extension with dormer would remain the same as previously approved.

Relevant Planning History

48311 - Demolition of existing patio at rear, creation of new patio with gym at basement level - Approve with Conditions 17/08/2007

65113 - First floor extension at rear - Approve with Conditions 09/03/2020

66617 - Two storey side/rear extension with balcony and basement extension - Approve with Conditions 23/04/2021

67324 - Two storey side extension with balcony at rear; Extension to basement level including rear and side single storey extensions with roof terrace; Alterations to rear doors and windows; Widening of front entrance door; Widening of front bay window - Approve with Conditions 09/11/2021

Publicity

The proposal was advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

N/A

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.

Visual amenity

The existing property is a large detached dwelling within sizeable grounds. The property is set back significantly from Sheepfoot Lane and largely screened from views to the adjacent properties at the side and rear by mature planting and trees.

The proposed amendments would not be perceptible from any public vantage points. The changes would be very minor in scale and extent and largely relate to the refinement of cosmetic elements to satisfy the applicants taste and would not significantly change the character or appearance of the proposed extension.

It is therefore considered that the proposed development would not have a detrimental impact on the visual amenity of the area and would comply with EN1/2, H2/3 and SPD6.

Impact on residential amenity - The dwelling sits between No 20 and No 22 Sheepfoot Lane and to the rear are Nos 103 and 105 Downham Crescent.

The position of the proposed extension would not change relative to the position and relationship to neighbouring boundaries and fenestration amendments would relate only to the substitution of existing windows with alternative designs (i.e. would not introduce new window openings to blank elevations).

The proposed development would not therefore have any additional impacts on the neighbouring properties and would comply with H2/3 and SPD6.

Trees

Application 66617 was accompanied by a tree report which identified the removal of some trees along the western boundary with No 20. The report confirmed that they were largely non-native species, poorly positioned or of poor health. Furthermore, they do not feature prominently within the overall tree-scape of Sheepfoot Lane and they are not protected.

As a result of the proposal approved under 67324 a tree and part of a group along the eastern boundary with No 22 would be removed.

The proposal would not further impinge upon trees within or adjacent to the site.

Extant permissions 66617 and 67324 proposed to replant along these boundaries and some additional planting to the rear boundary. This would be a condition of the permission.

Conclusion

The proposed extension would not have any unacceptable impacts upon visual or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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 -
Location Plan dated 23/02/2021 relating to 66617
Site Plan (Drawing No. 19-60-20-007 R9)
Proposed ground floor plan 19-60-20-001 r7 relating to 67324
Proposed first floor plan 19-60-20-002 r5 relating to 67324
Proposed Basement (Drawing No. 19-60-20-006 R9)
Proposed Elevations (Drawing No. 19-60-20-003 R5)
Proposed Elevations Sheet 2 (Drawing No. 19-60-20-004 R5)
Post Build Tree Planting Proposal by Rowbottom's Tree Services Ltd
RTS/28022021/002 rev 002 relating to 67324
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.
- 3 Before the first use or occupation of the basement/lower ground floor extension hereby approved, the balustrade shall be erected across the entire rear terrace as indicated on approved plan 19-60-20-007 R9 and thereafter maintained.
Reason. To protect the residential amenity of the adjacent occupiers pursuant to Bury Unitary Development Plan Policies H2/3 - Extensions and Alterations and SPD6.
- 4 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 5 The landscaping scheme as detailed in the Post Build tree planting proposal by Rowbottoms tree Services Ltd ref RTS/28022021/002 rev 002 related to 67324 shall be implemented not later than 12 months from the date the extensions are first occupied/used or within the first available tree planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 6 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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<u>Case Officer</u> DC	<u>Date</u> 18/11/2022	<u>Sign off Officer</u>	<u>Date</u>
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