

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/02/2022	Ref: 67692/FUL
Registration: 29/11/2021	LDFC: 24/12/2021	Expiry Date: 24/01/2022
Site Visit: 15/12/2021	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: MIDW

Proposal: Provision of new 2-storey, 2-bedroom corner dwelling with associated site works including soft landscaping, cycle and refuse storage.

Location: 1 Hereford Drive, Prestwich, Manchester, M25 0JY

Description

The site relates to the garden of a detached 2 storey property, No 1 Hereford Drive, which is located in an established residential area and housing estate. To the north east is No 39 Tewkesbury Drive whose gable is side on to the site and to the north west is No 3 Hereford Drive.

No.1 is located on a corner plot with the house set in the north western part of the site fronting Hereford Drive with a large side garden which is formed on Hereford Drive and Tewkesbury Drive. The access to No.1 is from Tewkesbury Drive, close to the corner which leads to driveway parking for 2/3 cars and a detached garage at the back of the site.

There is a hedge which forms the boundary of the site along Hereford Drive and Tewkesbury Drive and there is tree planting and vegetation within the existing garden. There are also established street trees along Hereford Drive and Tewkesbury Drive.

The application seeks the erection of a 2 bed 2 storey dwelling in the side garden of No 1 Hereford Drive.

Proposed dwelling

The plot is circa 227 sqm in area, formed on the corner of Hereford Drive and Tewkesbury Drive.

The proposed dwelling would be located directly adjacent to No 1, set back approx 5.8m into the site and would follow the established building lines of houses on Hereford Drive and Tewkesbury Drive. Due to the shape of the plot and angle of the build, there would be a rear garden depth between 2.5m and 6.3m deep to the boundary with No 39 Tewkesbury. It is proposed to store bins in the front garden adjacent to the boundary with No 1.

Pedestrian access to the property would be formed from Hereford Drive and the existing access and driveway off Tewkesbury Drive, currently used by No1, would be retained and utilised as the driveway and for the parking of one car for the new dwelling.

In terms of height, the proposed dwelling would have the same ridge height and eaves level of the adjacent houses and the design similar to that of the character of the surrounding house stock. Window openings would be symmetrically placed with a 2 storey bay at the front and a ground floor bay window on the side. Elevations would comprise brickwork and render to match No 1.

No 1 Hereford Drive

The SE elevation of this property would form the boundary with the new site. As the side

garden would be lost to facilitate the development, the garden/amenity area for No 1 would be wholly at the rear. The existing garage which is located to the rear of No 1 would appear to be retained although a vehicle could not access this building due to the proposed siting and curtilage of the new dwelling.

In terms of parking for No 1, as the existing driveway and parking would be lost to the new dwelling, it is proposed to form a new dropped crossing off Hereford Drive for access to one parking space at the front of the house.

Relevant Planning History

N/a

Publicity

Letters sent on 2/12/21 to 17 properties on Tewkesbury Drive, Hereford Street, Bishops Road, Canterbury Drive.

No response received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on sub-standard access and parking

Environmental Health - Contaminated Land - No objection subject to conditions

Borough Engineer - Drainage Section - No response

United Utilities (Water and waste) - No objection subject to provision of a sustainable drainage scheme.

Greater Manchester Ecology Unit - No objection subject to conditions

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN1/3	Landscaping Provision
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
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.

Principle - UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

UDP Policy H2/6 - Garden and Backland Development - When assessing proposals, regard will be given to the concentration of such development in the surrounding area; the relative density of the proposal to that of the surrounding area; the impact on neighbouring properties and the local environment and access arrangements.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The proposed development would be located within an established residential area and would therefore not conflict with the local environment in terms of character and

surrounding uses. There is existing infrastructure in place to facilitate the development.

Acceptability of a dwelling on this site would be subject to consideration of scale, density, impact on adjacent properties and access and parking.

Layout and scale of development

Proposed dwelling - As a side garden the site is fairly tight, constrained by the form and shape of the plot and the position of the adjacent houses, Nos 1 and 39.

It is proposed to site the new dwelling to continue the front building line of No1 and align with the front of the houses on Tewkesbury Drive. In terms of addressing the footprint of the urban grain, this would be acceptable.

There would be a new pedestrian access to the dwelling created off Hereford Drive and a small front garden. The private amenity area would be to the rear of the property where a garden depth of 2.5m at the shortest point and 6.3m at best would be provided. The need for carefully designed open spaces, and gardens is highlighted in the National Design Guidance and SPD6 also requires a minimum of 7m garden depth to be maintained from a 2 storey rear elevation with a 1st floor principal window. It is therefore considered that the proposed private amenity space would be inadequate and the development would provide sub-standard living accommodation.

The proposed dwelling would be sited so that the rear elevation would face the side gable of this property and there would be a separation distance of 7.5m. SPD6 advises a separation of 13m and as such, aspect standards would be sub-standard.

It is also proposed to locate a bin store in the front garden of the property directly adjacent to the front boundary with Hereford Drive. This is a poor approach when designing out new build and as such the applicant would be advised to find a better location for the storage of bins within the curtilage would not have such an unsightly and negative impact on the streetscene.

In terms of parking, it is proposed to retain the existing access and driveway off Tewkesbury Drive for use by the new dwelling which is considered acceptable. Only one parking space could be retained for the new dwelling due to the siting and layout of the scheme, but given it would be for a 2 bed property, this could be accepted.

In conclusion, taking into account the sub-standard garden size and sub-standard distance to the rear boundary and the location of the bin store at the front of the property, it is considered the provision of a new dwelling on this corner garden plot would be over-development of the site and contrary to H2/1, H2/2, H2/6 and SPD6.

No 1 Hereford Drive - There would be 2 main changes to the layout of this property. Firstly, the proposed development would result in the loss of the side garden of No 1. However, there is a relatively large rear garden and with a minimum depth of 8m it is considered provision of private amenity area for this property would be acceptable.

The other change would be to the parking for this property. By virtue of the siting of the new dwelling, the proposed development would result in the loss of the existing access, driveway and parking for No 1. Replacement parking for No1 would therefore need to be provided, as it would not be acceptable to rely only on on-street parking for a dwelling which would forego parking for no other betterment than that of the applicant.

It is proposed to provide one parking space at the front of the property which would be accessed by a new dropped crossing which would be formed off Hereford Drive.

The principle of locating a parking space within the curtilage of the site, in itself would be acceptable, although it is shown to be in front of the habitable room bay window which is

not at all ideal in terms of good design or the amenity of occupiers.

The problem also arises with the position of the proposed new dropped crossing which would be located between two street trees. This would not only restrict visibility for drivers but would impact on the stability and longevity of the street trees, likely requiring their removal.

The Highways Section and Street Works officer have both raised objections to this arrangement. Firstly on highway safety grounds and inability of the site to provide sufficient access or parking and secondly on impact of the proposed access to the street trees.

Conclusion

It is therefore considered that in its totality, the development of the site for a new dwelling would not only result in inadequate levels of amenity space, sub-standard separation and poor design arrangements but would also be unable to compensate for the loss of parking for the existing property, No 1 Hereford Drive.

The scale and resulting layout of the development would therefore be considered as over development of the site and would therefore be contrary to policies H2/1, H2/2, H2/6, HT2/4 and HT6/2.

The issues of parking and access are discussed further in the Highway section below.

Design and appearance - The design of the proposed dwelling would be of a similar character and appearance to that of the adjacent properties. The ridge height and eaves levels would align with Nos 1 and 39 and fenestration patterns and bay windows detailing also reflective of the adjacent housing stock.

Materials would comprise a mix of brick and render which again would emulate the appearance of the houses in the area.

It is therefore considered that the design and appearance of the proposed development would be appropriate and in keeping with the character of the area and the surrounding houses and as such would comply with H2/1, H2/6 and EN1/2.

Impact on residential amenity - Supplementary Planning Document 6 is used as a guide to assess relationships and aspect standards between properties and new built development. Separation distances are important considerations for maintaining adequate privacy and overbearing relationships. The Council seek to maintain a separation distance of 13m between a first floor habitable room and 2 storey blank gable and it is advised that a garden depth of 7m is maintained between a 1st floor habitable room window and directly facing boundary.

In terms of No 1 Hereford Drive, the proposed dwelling would be formed along the established front and rear building line with No 1. There would be no windows on the side elevation of the proposed dwelling which would affect No. 1.

It is therefore considered the proposed dwelling would not have a significant impact on the occupiers of this property in terms of overlooking or privacy and as such would comply with H2/1 and H2/6.

Turning to the relationship to No 39 Tewkesbury Drive, and as noted in the Layout Section above, the proposed dwelling would be sited so that the rear elevation would face the side gable of this property and there would be a separation distance of 7.5m. SPD6 advises a separation of 13m and as such, aspect standards would be sub-standard.

In addition, there would also be garden depth of 2.5m at the minimum point and 6.5m at the maximum point and as such there would be a sub-standard distance from the rear elevation of the proposed dwelling to the shared boundary.

This would result in a dominating form of built development in such close proximity to a

neighbouring property.

It is therefore considered that the proposed development would be unacceptable and contrary to H2/1, H2/2, H2/6 and SPD6.

Highways issues

One of the main issues of the application involves the proposed access and parking arrangements for both the new build and the existing property, No 1 Hereford Drive. Not only would the new dwelling need to make provision for parking but replacement parking would also need to be provided for the existing dwelling, No 1.

On first submission of the application, the development proposed to utilise the existing access and part of the driveway to provide one space to serve the new dwelling which could be accepted in principle. However, no provision for replacement parking for No 1 was proposed which would not be acceptable.

SPD6 advises that development should not result in the loss of off-street parking provision unless it can be demonstrated that alternative provision can be made elsewhere within the domestic curtilage, without causing detriment to amenity or highway safety. In particular, proposals should ensure there is sufficient space to accommodate adequate parking spaces in relation to scale of development. These parking spaces should be provided safely within the curtilage of the site. Whilst relating to extensions and alterations, the principle for adequate parking provision is the same.

The applicant was therefore advised to seek an alternative solution so that both developments could make adequate provision for parking and in line with H2/2, H2/6, HT2/4 and SPD6.

It is therefore proposed to form a new dropped crossing off Hereford Drive in front of No 1 for an access to a parking space at the front of the house. The access would be formed between 2 street trees.

The Highway Section and Street Works Officer have been consulted on the application.

The Highway Engineer would not accept the crossing in this location due to the sub-standard visibility arising from the position of the two protected highway trees on the footway in front of the site. Replacement facilities are required but should be provided from a safe position from the highway

The Street Works Officer would not permit the removal of the street trees which are in good health, as street trees are protected and also provide valuable amenity to an area. The proposed dropped kerb would also compromise the Sycamore's root system and possible water table considering how close the construction of the drive would need to be. There would be no valid or justifiable reason to remove the trees other than to facilitate a development which would be for the private betterment of the applicant only.

Indeed, chapter 12 of the NPPF - Achieving well designed places at para 131 states that trees make an important contribution to the character and quality of urban environments. Planning policies and decision should ensure that existing trees are retained wherever possible. Solutions should be found that are compatible with highways standards and the needs of different users.

In a willingness to work with the applicant, despite the fact the applicant chose not to engage in pre-application discussions, the LPA accepted a report submitted by the applicant's Transport Consultant. The report concluded that there would not be a visibility issue and that the tree roots, according to advice sought from an arboriculturist, would not be affected by the construction of the crossover. This is not corroborated or supported by any substantial or reasonable evidence, merely made as statements in the report.

As an alternative and in light of the LPA's comments about the sub-standard crossing arrangements, the report also proposed an alternative arrangement for No 1, that of no dropped crossing or in-curtilage parking. ie. parking to be provided on street only for No 1. The Statement concluded there is significant spare parking capacity on the roads surrounding the area.

No 1 is a fairly large dwelling, potentially capable of providing 4 bedrooms which brings its own demands for parking. The property should not be relying on the street to provide parking just to facilitate a new development. The residential streets are there to facilitate free and safe flow for pedestrians, vehicles, and enable movement around areas in as pleasant environment as possible.

In conclusion, the proposed development would result in the unacceptable loss of a potential 3 spaces which are currently provided for the existing dwelling, with no achievable or acceptable replacement parking arrangements.

In addition, the development as whole does not factor in visitors to both properties who would be reliant on parking on the street.

The proposed development for the new dwelling would only be of a benefit to the applicant and there would be no wider public gain, the impact of the development to the public would be one of a negative outcome.

It is therefore considered the proposed development could not adequately or acceptably provide for replacement parking for the existing dwelling, No1 Hereford Drive and as a whole the scheme would under-provide parking, leading to the conclusion that the proposal would result in the over-development of the site which would have an unacceptable impact on highway safety.

As such, the proposed development would be contrary to policies H2/1, H2/2, H2/6, HT2/4 and HT6/2 and SPD6.

No pre-application

Para 39 and 40 of the NPPF encourages early engagement through pre-application discussions. Had the applicant entered into such dialogue with the LPA, the issues raised in the report would have been highlighted prior to the submission of a planning application.

Air quality - Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, the EH Section would recommend a condition that an EV charge point be provided for the development.

Ecology

Nesting Birds

The building appears to result in the loss of trees and hedgerow, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU would recommend a condition to restrict the removal of vegetation.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of garden, including trees, a non-native hedge and associated bird nesting habitat. No mitigation is proposed.

GMEU recommend the majority of the hedge is retained or a new native hedge such as beech replanted on completion of the development; one native tree such as silver birch or rowan included in the landscaping and a bird box added to a retained tree or the new build. The details can be conditioned.

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 proposal would result in the loss of substantial parking facilities for the existing dwelling without the ability to provide a new access from Hereford Drive to serve alternative parking facilities within the curtilage of the existing dwelling due to an unacceptable impact on protected highway trees, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.
- 2 The proposed access onto Hereford Drive indicated on the submitted plans is sub-standard in terms of visibility, which is likely lead to conflicts on the adopted highway and would therefore be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.
- 3 The proposed development, by virtue of the sub-standard garden amenity area, separation distance to the neighbouring property and inability to provide adequate parking and access for both the existing dwelling and proposed dwelling would result in the over-development of the site and therefore have a detrimental impact on the future occupiers of No 1 Hereford Drive and the proposed new dwelling, occupiers of the surrounding properties and highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/2 - The Layout of New residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict and SPD6.

<u>Case Officer</u> JT 16/2/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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