

Date: April 2023

Our reference: 0584#2

Planning Statement

Site address:

Shrewsbury House
Lowther Road
Prestwich
Manchester
M25 9QG

Applicant:

Dimensions Planning is acting on behalf of the owners of the site Anthony Jacobs

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1.0 Introduction:

- 1.1 The Planning Statement has been prepared to accompany a Householder planning application seeking the part retrospective permission for the replacement of steps to lower ground garden incorporating a mid-step landing, steps from front of property to rear garden and the erection of noise insulation boundary fencing.

2.0 The site and surroundings:

- 2.1 The site is a large detached house located on a corner plot along Lowther Road. It is within St Marys Conservation Area and is also a Non Designated Heritage Asset (NDHA). It has a vehicular access off Lowther Road which is gated. There is garden to

both sides of the house and a patio to the rear of the house which is at a raised level. To the north east corner a raised seating area has been erected incorporating a child's play house. It is accessed from the patio at the rear of the house by steps down and there is a further set of steps leading down to garden level. The closest neighbouring property is 69 Shrewsbury Road located to the east side of the site

3.0 Proposal:

- 3.1 The development scheme seeks to replacement of steps to lower ground garden incorporating a mid-step landing, steps from front of property to rear garden and the erection of noise insulation boundary fencing. (Part retrospective)

4.0 Relevant site planning history:

4.1 Reference – 68575

Development - Replacement of steps to lower ground garden incorporating a mid-step landing and steps from front of property to rear garden
Decision – Refused - 10/01/2023. The single reason is provided below,

“The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupiers of 69 Shrewsbury Road, by reason of the constructed raised steps with seating area and its proximity to the boundary of this neighbouring property. It would materially detract from their living conditions by reason of loss of privacy and unneighbourly noise and disturbance contrary to the Bury Unitary Development Plan H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties”.

4.2 Reference – 63861

Development – First and second floor extensions at rear; Excavation to form new basement room with new bi-folding door opening at side
Decision – Granted – 13/05/2019

5.0 Planning Policy context:

- 5.1 The following relevant policies apply:
1. National Planning Policy Framework, 2021 (NPPF)
 2. Bury Unitary Development Plan and Policies (adopted 1997)
H2/3 Extensions and Alterations
EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

3. Supplementary Planning Document 6: Alterations & Extensions (Draft unadopted)

6.0 Heritage, Design and Character Principle:

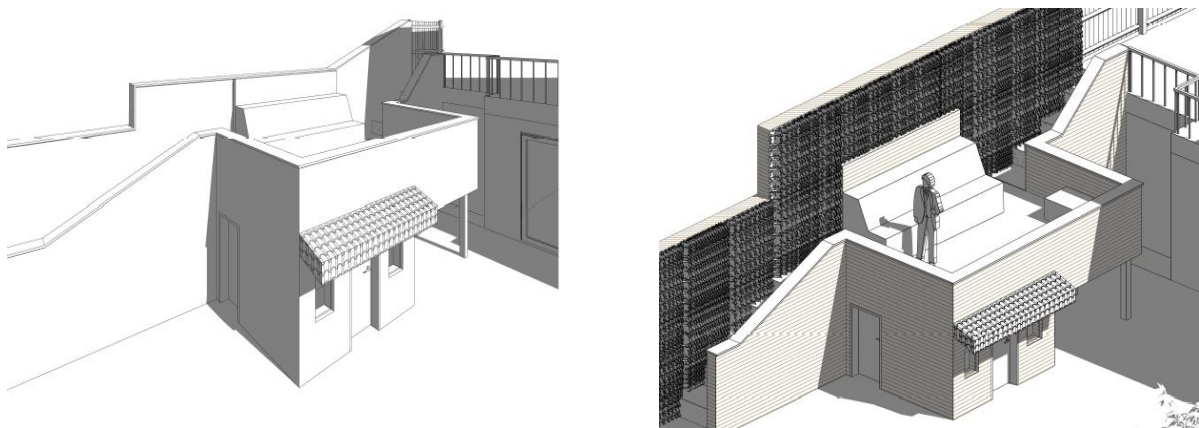
- 6.1 The delegated officer report from the previously refused planning application did not object to the elevated seating area or stairs from the upper ground floor along the boundary on design or character grounds. The conservation officer did not object to the structure stating,

“The building is considered to be a Non-Designated Heritage Asset (NDHA) and lies within the St Marys Conservation Area. The proposal is considered to be reversible and does not extend Shrewsbury House directly. It would not be visible within its setting which is tightly confined to its curtilage. As such the proposal would not impact on the significance of Shrewsbury House. By virtue of the boundary treatment of the site, the topography of adjacent land and the siting of proposal within the curtilage the proposal would not be visible from public areas within the street scene and therefore would be neutral in terms of impact. As such the character and appearance of the conservation area would be preserved” (dated 20/12/2022).

- 6.2 In order to overcome the single refusal reason on amenity grounds (which shall be discussed later), the proposed design now includes a raised boundary fence inclusive of noise absorbent acoustic boarding to a peak height of 4.7m on the boundary dropping to 3.4m (approx. 2.5m from adopted highway boundary) and down to 2.4m on boundary of Shrewsbury Road.
- 6.3 The comparative plans illustrate the existing boundary situation and proposed boundary treatment with the introduction of the raised boundary boarding. The highest part of the boundary treatment would be located significantly into the site of the host property and thereby result in appearing largely unapparent within the street scene of Shrewsbury Road which itself is a single-track road with mature trees and vegetation on the northern boundary providing screening to the site and boundary treatment.
- 6.4 The heritage officer considered the topography of adjacent land and the siting of proposal within the curtilage, would not be visible from public areas within the street scene. The increased height on the boundary would be a material change to the development considered by the conservation officer, however considering the depth of the boundary within the grounds of the host property, the impact would be neutral. As such the character and appearance of the conservation area would be preserved.

- 6.5 On balance the increase in the boundary fence would have a neutral impact on the conservation area and would retain the heritage integrity of the location in accordance with policies EN2/1 Character of Conservation Areas EN2/2 Conservation Area Control.

Existing and proposed boundary treatment



7.0 Neighbouring Amenity:

- 7.1 The single reason for the previous refusal was the impact on neighbouring amenity as set out in the delegated officer report below,

“The height of the site seating area is such that there is a direct view over to the gap to the side of No.69. Screening may be possible to increase the privacy however it would still be a concern that the seating area would provide a large area of outside amenity space in close proximity to this neighbouring property. Whilst the site garden could be used for lengthy periods, the raised area encourages and intensifies the use as a recreational area. The fact that it is an open and raised area close to the neighbouring boundary results in an unneighbourly and unduly intrusive addition to the garden area and as such is seriously detrimental to the amenity of the adjacent neighbouring property, 69 Shrewsbury Road”.

- 7.2 The refusal reason stated...”It (development) would materially detract from their living conditions by reason of loss of privacy and unneighbourly noise and disturbance”. The adjacent site No 69 Shrewsbury Road has its north-west elevation facing the shared boundary and is served by three small ground floor windows and a first floor pocket glazed window. The proposed screening would prevent an

individual standing on the platform from looking into the identified windows or the side passage of the property, thereby negating the concern of privacy previously highlighted.

- 7.3 The usable seating area covers about 10m² and the maximum number individuals that could comfortably seat within the area is eight (8) which while is not insignificant would not constitute a large gathering that would produce excessive noise. Officers considered the space capable of producing “unneighbourly noise” is very subjective. In both the reason for refusal and the accompanying delegated report no analysis has been provided as to how the conclusion of unneighbourly noise has been reached. The report broadly considers “the fact that it is an open and raised area” by default would create harmful noise.
- 7.4 Firstly, the proposed screening includes an acoustic level and a barrier to the transfer of noise, and secondly the climate in the north-west would largely limit the use of the seating area to perhaps 4 months of the year and only a couple of occasions where groups would be present to create noise. Such an active level of use is part of the relationship between neighbouring. Furthermore, if the raised seating area was not prevent, there is nothing in planning law to prevent gathering by a shared boundary and the noise it would cause would be comparable.
- 7.5 Overall, the proposed mitigation measures in the form of the acoustic boundary fence would be sufficient to overcome the previous reason for refusal whereby neighbouring amenity would be detrimentally harmed to a “serious” (see reason for refusal). The acoustic boarding and quantum of gatherings are significant material planning aspects to permit the part retrospective seating area.

8.0 Conclusion

- 8.1 All relevant policies in the Bury Unitary Development Plan and Policies framework have been accorded with and the previous reason for refusal has been overcome.

Site Photos – existing seating area



