

DELEGATED REPORT

Report by Mo Warsame	Date of report: 07/11/2022	Ref: 68822/FUL
Registration: 24/08/2022	LDFC: 13/10/2022	Expiry Date: 19/10/2022
Site Visit: 04/10/2022	Site Notice: N/A	Press Date: 29/09/2022
Objections: 0	Con Area: POPP	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing single storey rear extension and replace with new single storey rear extension

Location: 23 Guest Road, Prestwich, Manchester, M25 3DJ

Description

The property is a two-storey semi-detached house situated within the Poppythorn Conservation Area. There is a small garden to the front with a short brick wall along the boundary and planting. At the rear of the site there is a larger private garden. There is currently parking on site to the front. No.21 Guest Road and No.25 Guest Road (adjoining) are located on either side of the property and to the rear the property shares a boundary with No. 22 Pine Grove.

Planning permission is sought for a new single storey rear extension following the demolition of existing single storey rear extension. The proposal would accommodate a larger dining and a new snug area. The extension would project 4.7 metres from the rear of the existing and run for approximately 4.2 metres. The development would be constructed using matching materials and would have a pitched roof with two rooflights.

Relevant Planning History

None.

Publicity

Neighbour letter sent 22/09/2022. No objection received.

Statutory/Non-Statutory Consultations

Conservation Officer- No objection.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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 and Conservation Area

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. This is reflected in UDP Policies EN2/1 and EN2/2 as a saved policy and following the publication of the NPPF these are consistent with NPPF.

Paragraphs 192, 193, 194 and 196 of the NPPF state that in when considering the impact of a proposed development LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage

assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

The plans show that the proposed extension would be built with materials and a design that would retain the character of the existing building, therefore preserving its character. In addition, as the extension would be to the rear of the property and would not be visible in the street scene either.

The Conservation officer agrees that the proposed development would not cause any harm to the character and appearance of the conservation area. The design of the proposal is considered to be in keeping with the existing building.

The design of the proposal is considered acceptable in this location and the proposal would preserve the character of the Poppythorn Conservation Area. As such it does comply with Bury UDP Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 192-194 and 196-197 of the NPPF.

The proposal also conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

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

- Properties to the rear would be over 20m from the rear elevation of the proposed extension. This would be acceptable in terms of SPD 6. Furthermore, the rear elevation would be approximately 6m to the rear boundary. There is a fence and planting along this boundary and the property directly to the rear has a garage in the rear garden close to the boundary. Therefore, there would not be any seriously detrimental effect on residential amenity at properties and gardens to the rear.
- As the extension would be to the rear of the property it would not have any seriously detrimental effect on residential amenity to properties to the front of the site.
- At the rear the development would project approximately 2.2m beyond the rear extension of No.25 Guest Road (attached). As this would be less than 3m it would be acceptable in terms of SPD and would not have any seriously detrimental effect on residential amenity at this property.
- There would be patio doors facing towards No.21 Guest Road. However, given the would be 2m high fencing along the shared boundary and the extension would only be a single storey with slim patio doors there would be no seriously detrimental effect on residential amenity at this property.
- As the extension would be built to the rear of the property there would be no impact on existing parking arrangements on the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Structural Considerations

Looking at the proposed plans, it would appear a weight-bearing structure is attached to the neighbour's property. However, the agent confirms that this is not the case as the proposed development would be erected with all parts entirely within the site boundary, including all

overhangs and foundations and would be constructed independently of the adjacent property's structure. Furthermore, the extension of the adjoining property (No.25 Guest Road) was finished with the intention of minimal disturbance to this property and as such, constructed a new inner wall that would not affect the proposed extension.

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 drawing numbers: CM308 EX 01, CM308 EX 02, CM308 EX 03, CM308 PL 01a, CM308 PL 02a, CM308 PL 03a, CM308 PL 04 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 The external finishing materials for the proposal hereby approved shall match those of the existing building plus rendering as outlined in drawings submitted.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	07/11/2022		