

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 27/01/2022

**Ref:**67672/FUL

Uhunmwagho

**Registration:** 11/11/2021

**LDfC:** 09/12/2021

**Expiry Date:** 06/01/2022

**Site Visit:** 17/12/2021

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Replament of garage with new single storey garage building

**Location:** 55 Milton Road, Prestwich, Manchester, M25 1PT

**Description**

The application property is a two storey detached house fronting Milton Road with Heys Road to the south side. There is a garden to the north west of the property which has fences to all boundaries and adjacent there is a detached double garage with parking in front.

The proposal is to demolish the existing double garage and replace it with a single garage with a hardstanding to the front and an attached single storey building which would accommodate a hydro pool and seating. The roof would be pitched and there would be a single high level circular window on the elevation facing Milton Road.

**Relevant Planning History**

N/A

**Publicity**

Immediate neighbours notified on 06/01/2022 - No comments or objections received.

**Statutory/Non-Statutory Consultations**

Traffic Section - Recommended refusal.

**Pre-start Conditions** - Not relevant.

**Unitary Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions

H2/3      Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

#### **Visual Amenity -**

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.

The proposed building is located directly adjacent to a public footpath and therefore is very prominent within the streetscape. Paragraph 41 of the National Design Guide states that "Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including 'the existing built development, including layout, form, scale, appearance, details, and materials'.

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or
- (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The proposal would not only be significantly taller than the existing garages on site, situated directly adjacent to the front boundary, the building would appear extremely incongruous in the existing streetscape. Therefore the proposal would conflict with UDP Policy H2/3 and SPD6, paragraph 41 of the National Design Guide and Section 12 - Achieving well designed places paragraphs 126 and 134 of the NPPF.

**Residential Amenity -**

Whilst the plans may not be completely accurate, the proposal does not raise any particular residential amenity issues. The round window if needed, could be obscure glazed. As such the proposal generally conforms with UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

**Parking and Access -**

In the first instance, the proposal would result in the reduction of parking provision for the existing dwelling. This 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.

Secondly, the proposal would result in the restriction of visibility at the back edge of the footway and at the junction with Milton Road from the retained driveway to sub-standard levels. This would be seriously detrimental to pedestrian and road safety.

The traffic team have also advised that there is insufficient information with regard to the foundations of the proposed building, surfacing materials and surface water drainage arrangements.

The traffic team have objected to the proposal which does not conform to Bury UDP Policy H2/3 Extensions and Alterations and the guidance in Supplementary Planning Document 6 Alterations and Extensions to Residential Properties. These concerns are reflected in the reasons for refusal.

**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:**

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- 1 The proposed development would, by reason of its height, size and position, be a prominent and intrusive feature in the streetscene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The submitted plans appear to be contradictory and contain insufficient information with regard to:
  - Access and visibility issues with regard to the adopted highway and adjacent parking area.
  - Proposed driveway materials/surface water drainage arrangements for the retained driveway to ensure that surface water will not be discharged onto the adjacent adopted highway.As a result the application cannot be properly assessed and therefore the proposed development therefore conflicts UDP Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposal results in the reduction of parking provision for the existing dwelling, 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 policy of the Bury Unitary Development Plan: Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 4 The proposal would result in the restriction of visibility at the back edge of the footway and at the junction with Milton Road from the retained driveway to sub-standard levels and it does not incorporate adequate space to maintain a vehicle clear of the adopted highway, which would be seriously detrimental to pedestrian and road safety. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 27/01/2022     |             |                         |             |