

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/02/2022	Ref: 67923/FUL
Registration: 10/01/2022	LDfC: 01/02/2022	Expiry Date: 07/03/2022
Site Visit: 14/01/2022	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: MIOT

Proposal: Single/two storey side extension with bay windows to front & side elevations;
Single/two storey rear extension

Location: 71 Kings Road, Prestwich, Manchester, M25 0LQ

Description

The application relates to No 71 kings Road, a 2 storey semi detached property on a corner plot. The property is within a predominantly residential setting but not far from a District Shopping Centre. To the west is a primary school, to the rear is No 1 Bishops Road which is set side on to the site and attached is No 69, both of which are residential.

The application property is used as an office at both the ground and first floors, but has the appearance of a residential dwelling. To the rear is a single storey extension and there is an existing dropped kerb which leads to a driveway and single garage which is accessed off Bishops Road.

There is a front and side garden which is bounded by a hedge.

The application seeks a single/two storey side extension with bay windows to the front and side and a single/two storey rear extension. It is also proposed to extends the dropped kerb to enable driveway parking for 2 cars.

The proposed plans indicate that the ground floor would be used as a clinic with a waiting room and reception room, with offices and staff facilities at first floor.

As a clinic and office use fall within the same use class - Class E - there is no requirement for a change of use of the building to a clinic.

Relevant Planning History

N/a

Publicity

Letters sent on 11/1/22 to 11 adjacent properties.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Pre-start Conditions - Applicant/Agent agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development

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.

Design and appearance and impact on visual amenity - The property is a red brick semi-detached build with large bay windows at ground and first floor frontage. It is proposed to extend the property at the side by a single/2 storey extension. The front and side elevations would incorporate the bay window features and as such ensure continuity of design of the existing and the attached property.

There would be a distance of 1.6m from the side of the extension to the side boundary, but this would be for the ground floor element only with the proposed 1st floor set back from the side street by 3.2m. As such it is considered the proposed extension would not be intrusive or overbearing to the street scene and would not encroach beyond the building line of the row of houses to the rear which front Bishops Road.

At the rear it is proposed to demolish the existing single storey element and replace it with a single and 2 storey rear extension. The single storey extension would project 7.1m along the shared boundary with No 69 and be 7m wide. Above this, would be a 2 storey extension in an 'L' configuration, with the first floor projecting 3.6m along the shared boundary and the remainder extending the length of the ground floor extension. There would be a minimum distance of 5.7m from the side of the 2 storey extension to Bishops road and as such it is considered the extension would afford a relief and separation to the side street and would not be a dominant build within the streetscape.

Elevations would comprise red brick to match the existing with the roof similarly tiled and windows replaced with black aluminium frames which is considered suitable for a property of this character and setting which seeks some modernisations.

It is therefore considered the proposed development would not have a detrimental impact on the amenity of the streetscene and would be appropriate in the context and setting of the area and as such would comply with EN1/2 and SPD6.

Impact on residential amenity - No 69 Kings road and No 1 Bishops Road are directly adjacent to the application property.

No 69 - This property has a single storey extension which projects the full depth of the yard and a smaller projection at first floor.

The proposed single and 2 storey rear extension would be adjacent to the boundary with No 69. Given No 69 has a ground floor extension and that the proposed first floor to No 71 which is directly adjacent to the boundary would not project more than 3m past the rear property of No 69, the proposed extensions are considered to be acceptable and would comply with SPD6. The longer element of the 2 storey rear extension would be 3.2m from the shared boundary and would comply with the 45 degree line from next door.

As such the proposed development is considered to be acceptable and comply with H2/3, EN1/2 and SPD6.

No 1 - SPD6 advises a separation distance of 13m be maintained between a 2 storey blank gable and 1st floor ground floor and 6.5m from a blank wall to habitable room at single storey level. The rear extensions would project almost as far as the boundary to No 1 and as such separation distances would be well below accepted standards. However, No 1 has a blank gable wall and there are no windows which would be overlooked and no issues of impacts on privacy to this property.

There would be windows on the rear of the proposed extension directly facing the rear gable of No 1. However, these are not the only windows to the rooms, with the larger and more principal openings located on the side elevation.

In addition, and importantly, the extension would be facilitating a business use, not residential and therefore importance of outlook and privacy are not given the same degree of consideration. The need for obscure glazing on the rear elevation, in this instance is considered unnecessary.

As such, it is considered the proposed development and extensions would be acceptable and not have a harmful or detrimental impact on the amenity of the adjacent occupiers and would comply with H2/3, EN1/2 and SPD6.

Parking - There is currently a single driveway which can facilitate parking for one car within the site. It is proposed to extend the existing crossing to provide an access for 2 cars to park within the site.

Whilst there are waiting restrictions directly in front and to part of the side of the property, provision of 2 in-curtilage spaces would be a betterment in terms of the existing parking arrangements. There would also be scope to park 2 cars in front of the driveway on the road.

There is also some on street parking in the area and the site is also located in a highly sustainable area close to local shops, facilities and public transport.

The Highway Section have raised no objection subject to conditions and as such the proposed development is considered to be acceptable and comply with HT2/4 and HT6/2.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Block plans and location plan A1.1 rev PL3; Plans A1.2 rev PL2; Elevations A2.1 rev PL1; External views A2.2 rev PL1. 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 be carried out in accordance with the application details.
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.
- 4 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 The revised car parking arrangements indicated on approved plan reference A1.1 Revision PL3, incorporating the provision of a new footway crossing extension to limits to be agreed on site with the Highway Authority, demarcation of the limits of the adopted highway, retention of a boundary wall/hedge and new driveway a minimum of 5.5m in length in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.

Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to policies HT2/4 - Car Parking and New Development, HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/2/22		