

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 04/04/2022	Ref: 67945/FUL
Registration: 04/01/2022	LDfC: 07/02/2022	Expiry Date: 01/03/2022
Site Visit: 01/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Retrospective planning permission for the construction of an outbuilding at the rear of the property.

Location: 2 Northurst Drive, Prestwich, Manchester, M8 4LS

Description

Planning permission was previously granted at this site for development to the main dwelling as well as a detached out building in the rear garden of the site. The current application has been submitted following Enforcement investigation where it was found that the building which was being built is not what was approved as part of the previous approval (ref 66867).

The outbuilding measures 5.8m along the north west side elevation and 5.1m along the south side. The building is currently part built but will have an overall height of 2.5m and the plans show it is being built within the site boundaries.

Relevant Planning History

66309 - Two storey extension at side/rear with front balcony, single storey extension at rear, front porch and replacement of existing garage with outbuilding at rear - Approve 08/03/2021

66731 - Proposed single storey extension at the side of the building , this is in addition to the approved plans - Withdrawn - Invalid 14/04/2021

66867 - Two/single storey side extension with balcony to the front; Single storey rear extension; Front porch extension; Outbuilding at rear - Approve with Conditions 02/08/2021

21/0391 - Erection of outbuilding - 07/01/2022

Publicity

Neighbours notified on 14/01/2022 - One objection received advising the following;

Thank you for your letter dated 14th Jan. regarding the Retrospective Planning Permission for the construction of an outbuilding at the rear of my neighbour's house (2 Northurst Drive).

You are advised that I have been unable to identify a revised drawing showing any likely relocation of the outbuilding in question; Nevertheless, I wish to reiterate my objection to it being completed in its present position. The location is not the same as the one shown on an earlier plan, although it may NOT have required a formal planning application. You will, no doubt, be aware that it has, so far, been constructed up to or astride the boundary line which will certainly create a significant diminution of sunlight over an area of my property if work continues at the existing height, or to a higher level. Your attention has already been drawn to other considerations. In addition, I enquired about any associated development or action that might have a bearing on the procedures to the Party Wall Act(1996)

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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 outbuilding would be built with materials that would be considered in-keeping with the main dwelling and as it is being built to the rear garden on site it would not be readily visible in the main streetscape. The design of the proposal is considered acceptable in this location.

Given the above the proposal 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 -

The outbuilding is being built to the rear corner of the garden directly adjacent to shared boundaries with no.4 Northurst Drive to the south and no.80 Meade Hill Road to the west. The initial plans submitted with the application showed the proposed structure would have measured just over 3m high. Given the close proximity to the boundary with no.4 Northurst Drive and that it would measure 5.8m along the shared boundary it was felt that the structure would have been too overbearing in terms of residential amenity to the rear of no.4 next door.

Following discussion with the agent and applicant revised plans were submitted showing that the overall height of the structure would be reduced to 2.5m. Although the building would be openly visible from the neighbouring rear gardens as the overall height would be within Permitted Development limits there would be no reason to refuse the revised proposal. In this instance the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Response to neighbour objection -

The revised plans received on the 24th and 28th March 2022 (numbered 02C and 03C respectively) show that the height of the outbuilding would be reduced to 2.5m. As this would result in the building being classed as Permitted Development there would be no reason to refuse the revised proposal. The neighbour was not notified about the revised plans given that the agent/applicant have addressed the height concerns and they could build the outbuilding at 2.5m without the need for prior planning permission.

The outbuilding plans appear to demonstrate that the structure would be within the boundaries of the property and a certificate A has been served to confirm this. However, any boundary disputes would be a civil matter that would need to be discussed between the relevant parties alongside issues around the party wall act.

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 This decision relates to drawings numbered 01 and 04 received on 05/01/22, revised plan numbered 02C received on 24/03/22 and revised plan numbered 03C received on 28/03/22 as modified by the emails from HSH Engineering Design Service dated 24/03/22 and 28/03/22. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 2 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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> AU 4/4/22	<u>Date</u>	<u>Sign off Officer</u> DM 4/4/22	<u>Date</u>
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