

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 02/08/2022

Ref:68315/FUL

Registration: 16/05/2022

LDfC: 05/07/2022

Expiry Date: 11/07/2022

Site Visit: 27/05/2022

Site Notice: N/A

Press Date: 02/06/2022

Objections: 1

Con Area: POPP

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extensions at side and rear; Terrace at rear.

Location: 22 Guest Road, Prestwich, Manchester, M25 3DL

Description

The application relates to a large Victorian two-storey detached house on a residential street within Poppythorn Conservation Area. The property has a large rear conservatory extension which appears to be a pre-war design, overlooking a large rear garden. Both neighbours dwellings are as originally built. The rear boundary has extensive tree(s) and shrubbery.

Planning permission is sought for single-storey rear extensions including:

- Rear porch to be replaced with a terrace area, 0.58m high and projecting out 3.2m.
- Existing rear conservatory to be replaced with a kitchen extension, similar footprint to existing with flat roof plus rooflight.
- Side extension to accommodate a utility room and shower room, projecting out 3m with flat roof plus Victorian style elevational brickwork to match existing feature on opposite side.

Materials would match existing plus Single ply flat roof membrane (col: grey) for the roof and aluminium doors (black or dark grey). There are no new side windows proposed except for part of the curtain walling as part of the rear kitchen extension. There would be a substantial separation to the rear boundary, although there is no new boundary treatment proposed.

Relevant Planning History

LP/CA/00352 - Fell Beech (T1) tree - Approved Sept 2021

Publicity

Immediate neighbours notified by letter dated 26/05/2022 and 13/06/2022 sent to 14 neighbours. A new neighbour letter was sent on 18/07/2022 to notify neighbours about the proposed rear terrace. Site notice posted on 31/05/2022 and a press notice was published in the Bury Times on 26/05/2022. One objection was received.

Objections -

Concerns are summarised below:

Construction issues

- The work will involve substantial demolition and construction directly up to the shared boundary, including the use of heavy machinery to remove the remains of a substantial

tree.

- One remaining large tree is close to the planned work, construction work should be undertaken in a fashion that does not risk damaging the tree or its roots.
- Main drain runs close to the boundary.

Control/ Conditions

- That planning controls [to] include 4 conditions during the demolition and construction phase.
- Noise and vibration controls; one of the neighbours works in a role that requires remote court hearings and has concerns about excessive noise, and/or loud noise at certain times risks interfering with those hearings. Neighbours are sensitive noise receptors. Noise and vibration control measures, including a noise control plan, should form a condition. Construction should not commence until the noise control plan has been approved.
- Request that nuisance control measures, including dust control measures, are put in place for demolition and construction.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections other than that the proposed side window should be amended to design a more sympathetic appearance that complements the conservation area. The applicant has since submitted revised plans for the side elevation, which the conservation officer has confirmed are satisfactory.

Pre-start Conditions

Details of materials samples required and agreed by agent.

Unitary Development Plan and Policies

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

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.

Heritage

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The building has been identified as a non-designated heritage asset (NDHA) in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those "that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The applicant has submitted a Design & Access statement to outline the content of the

property within the conservation area and surrounding character of the locality, style, and housing design/ quality. red brickwork external walls with buff stone heads and cills, painted timber sash windows, mock Tudor timber boarding with render infill panels and grey slated roof. Almost all external features have been retained.

It goes on to state that the large conservatory is not an original feature to the house and is currently an underused space due to its disconnection with the adjacent spaces and lack of heating and cooling comfort control. From an architectural perspective, the conservatory is not sympathetic to the rear of the host building, but without it there would be a strange void in the corner.

The council's conservation Officer has stated no objections other than that the proposed side window should be amended to design a more sympathetic appearance that complements the conservation area. The applicant has since submitted revised plans for the side elevation which the conservation officer has confirmed are satisfactory. It is therefore considered that the proposed scheme would preserve the conservation area.

Visual amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house.

Situated at the side, the proposed single storey extension would be readily visible from the public arena, although its siting, scale, and design is considered to be appropriate for this property and streetscene. Additionally, the proposed side extension is set back a distance of 2.76m from the front elevation. SPD6 normally requires that side extensions visible from the street should not have flat roofs, one exception being if the design is appropriate to the character of the building. Although the side extension would have a flat roof this would be mitigated by the front elevation stepped brickwork feature to symmetrically match the same design on the west side of the building, also viewable from the streetscene, which is considered to be acceptable.

Situated at the rear, the proposed single storey kitchen and terrace extension would not be readily visible from the public arena, although its siting, scale, and design is considered to be appropriate for this property. It is considered that the proposed extension would make a positive contribution in terms of its visual impact within this conservation area, as it would be an improvement to the appearance of the current conservatory.

The applicant proposes that materials will match the host building incorporating red brick walls with stone parapet, flat roof with pitched rooflight (aluminium framed), new windows will be sliding sash timber painted and the kitchen patio doors/screen will be grey crittall-like aluminium framed. The materials and details would match the existing front elevation and sliding sash window would be as the windows to the front elevation. A condition will be added to secure samples of brick to be used and details of window design and glazing to be submitted and approved before any development commences. Windows should be timber to match the existing and have the same set back reveal as the existing windows.

The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear. The large Beech tree along the side boundary already has separate permission for its felling as approved in Sept 2021.

It is therefore considered that the proposed extension complies with UDP Policies EN2, EN2/1, EN2/2, and H2/3 with associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are no new habitable windows proposed,
- The proposed single storey extension is acceptable in relation to the attached neighbour as the proposed extension would not project past the front and rear elevations and as such, the proposed extension would not have an adverse impact upon the amenity of either neighbour.
- There are no new side windows proposed.
- The neighbour at No.20 has a side window at ground floor, which is a secondary window with that room's main window being at the rear of the property.
- The proposed terrace area would be sited within the centre of the rear elevation within a relatively wide plot, as such any overlooking of neighbours is not significant.
- In terms of the general prominence and impact on daylight the proposed side extension is set 0.8m off the shared side boundary and is to the east of No.20. The proposed single storey side extension would have some impact on part of the neighbours side garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the proposed extension would not have such a serious impact on the outlook from No.14 to warrant refusal.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation.

Note to Objectors

Planning conditions are not normally required in relation to demolition and/or construction particularly for householder development proposals - on this occasion it is considered that there are no exceptional circumstances to require additional controls. Drainage is normally a matter for building control and not considered to be a planning matter. In the event of any problems with construction this should be referred to the council's environment team who would deal with any noise/ disturbance related issues.

Conclusion

The proposed development would be acceptable in terms of the design, and siting, of this development. Additionally, the proposed scheme would preserve the conservation area. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, complies with UDP Policies EN2, EN2/1, EN2/2, and H2/3 Extensions and Alterations with associated guidance in SPD6: Alterations & Extensions.

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 drawings 22103-p102 and 22103-p103 RevA 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 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 Before the first occupation of the extension hereby permitted the shower room window at the rear elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
Steven Gunn-Russell	02/08/2022		