

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/11/2024	Ref: 71148/FUL
Registration: 15/10/2024	LDFC: 18/11/2024	Expiry Date: 10/12/2024
Site Visit: 30/10/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey extension at rear and rebuilding of external wall of existing side extension

Location: 106 Kings Road, Prestwich, Manchester, M25 0FY

Description

The application relates to a semi-detached property, located on a corner site on the junction of Fort Road and Kings Road. The property is utilised as a place of worship. The property currently has existing single and two storey rear extensions. The site is located in a primarily residential area.

Planning permission is sought for the removal of one of the single storey rear extensions, and for a replacement extension that projects approximately 2790mm from the rear elevation of the existing two storey flat roof extension, and would run the extent of the width of the existing property. The proposed extension would have a lean to style roof. The proposed extension would be utilised to provide toilet facilities at ground floor.

Relevant Planning History

70758 - Lawful development certificate for existing use as place of worship (F1) - Lawful Development 09/07/2024

Publicity

Letters sent to neighbouring properties 18th October 2024.

Following the receipt of an amended site plan further neighbour letters sent 8th November 2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No response.

Environmental Health - Contaminated Land The Environment Section has assessed the application and has no comments to make regarding contaminated land and air quality.

Greater Manchester Ecology Unit - No response.

Borough Engineer - Drainage Section - No response.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting

H2/3	Extensions and Alterations
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Layout and Design

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. Due to the nature of the proposal, attached to an existing semi-detached dwelling it is considered that UDP Policy H2/3 and associated SPD 6 are also relevant to this proposal when assessing design. 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 extension would replace an existing single storey lean to style extension in a similar location however the proposed extension would cover the whole of the rear yard area to the rear of the site abutting the rear boundary with No. 2 Fort Road. The proposed extension would be largely screened from public vantage points by the existing hedging and any glimpses of the extension would replicate a similar amount of built form as currently visible. As such it is considered that the design of the proposed extension is acceptable in terms of visual amenity.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. Due to the nature of the proposal, attached to an existing semi-detached dwelling and residential dwellings to all sides, it is considered that UDP Policy H2/3 would also be relevant. Policy H2/3 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There are no adopted aspect standards for extended commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

The proposed rear elevation would abut the boundary with No. 2 Fort Road and would extend across the extent of the shared boundary with this property. The current rear extension faces towards a section of blank wall associated with this property and is also set off the shared boundary. The proposed rear extension would now extend across what appears to be a side, ground floor dining room window associated within No. 2 Fort Road, and some high level windows associated with the basement.

Dining room windows are considered to be habitable room windows. It is noted that this window is located within a side elevation and SPD 6 does state "less weight will be afforded to habitable room windows located on side elevations" however there does not appear to be a secondary window for this room on a principal elevation and it appears that this is an original window within the property designed to serve this room. The current site layout takes into account this window and the existing rear extension does not cover this window. The proposed extension would. The proposed extension would be located approximately 1.5 metres from this window which is significantly below the 6.5 metres required by SPD 6 for the relationship between ground floor habitable room windows, and blank single storey walls. As such it is considered that the proposed single storey extension would have an unacceptable overbearing relationship in relation to the existing dining room window at No. 2 Fort Road.

The attached property at No. 104 has an existing single storey rear extension adjacent to the shared boundary with the site. The proposed extension would not project more than 3 metres beyond the rear of this property as extended and is therefore considered to be acceptable.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as

exemptions, mean that certain permissions are not subject to biodiversity net gain.

The submitted application form states that the proposal is exempt from BNG as it is a self build, custom build. This is inaccurate as the proposal does not meet the legal definition for self-build or custom build house building as set out within the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The de-minimis exemption however would apply, as less than 25 square metres of habitat would be lost through the proposal as the proposal would utilise an area occupied by an existing building, and hardstanding.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. The applicant has confirmed that the property will comply with the U-values specified in Approved Document L, Table 11, ensuring that it meets the required standards for thermal efficiency. Additionally, energy-saving lighting with timers will be installed, along with water-saving devices on all sanitaryware to further promote sustainability. As such, the proposal is considered to comply with the intentions of this policy.

Digital Connectivity

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The existing building is already served by full fibre internet

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:

- 1 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of No. 2 Fort Road by reason of its position in relation to the side, ground floor habitable room window that faces the site. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
EN1/2 - Townscape and Built Design
H2/3 - Extensions and Alterations
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>
HP	19/11/2024	DM	20/11/2024

