

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 06/12/2024 | <b>Ref:</b> 71285/FUL          |
| <b>Registration:</b> 23/10/2024 | <b>LDFC:</b> 29/11/2024           | <b>Expiry Date:</b> 18/12/2024 |
| <b>Site Visit:</b> 19/11/2024   | <b>Site Notice:</b> 12/11/2024    | <b>Press Date:</b> 07/11/2024  |
| <b>Objections:</b> 0            | <b>Con Area:</b> POPP             | <b>Adv Type:</b> CA            |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension; replacement front porch and timber gate at front

**Location:** 73 Poppythorn Lane, Prestwich, Manchester, M25 3BY

### **Description**

The application relates to a two storey detached house (1830) on a residential road within Poppythorn Conservation Area. The site lies at the junction of Poppythorn Lane, Langley Hall Road and Guest Road. The house has been extended to the rear and there is a detached garage to the side with vehicular access from Guest Road.

The proposal comprises:

- A small porch at the front. This is a recreation of a former porch with a timber frame and slate roof on the original base.
- At the rear there would be a single storey orangery with a flat roof and lantern skylight. It would have a footprint 4m by 4m and a height of 2.7m. It would be finished in a smooth white render.
- Replacement timber gate to driveway. The new doors would be in a similar appearance and height and remote operated with a sliding gate. The existing gate posts and part of the low boundary wall would be rebuilt in stone as they are considered unstable and dangerous.

### **Relevant Planning History**

02156/E - Erection of 2 no. dwellings - Enquiry completed 16/08/2018

02408/E - Demolition of 1 no. dwelling and replace with 2 no. semi-detached, 5 bedroom dwellings - Enquiry completed 03/07/2020

02980/E - Single storey rear extension; New boundary wall with 2 no. driveway gates and new paving/driveway; Re-creation of timber porch at front - Enquiry completed 08/07/2024

### **Publicity**

Immediate neighbours notified by letter dated 04/11/2024. Press and site notices posted. No objections received.

### **Statutory/Non-Statutory Consultations**

Conservation Officer - No objection.

Prestwich Village Neighbourhood Forum - No objection.

### **Pre-start Conditions - N/A**

### **Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| H2/3  | Extensions and Alterations                                  |
| EN1/1 | Visual Amenity                                              |
| EN1/2 | Townscape and Built Design                                  |
| EN2/1 | Character of Conservation Areas                             |
| EN2/2 | Conservation Area Control                                   |
| 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.

**Heritage** - Chapter 16 of the NPPF (2019) relates to conserving and enhancing the historic environment and states that Local Planning Authorities should take account of the significance of any heritage asset and the positive contribution it has. Any proposal should preserve or enhance the character of a conservation area unless there is clear and convincing justification.

Paragraph 197 states that '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 proposal would preserve and enhance the appearance of the property, particularly along the front boundary, which in turn would be more appropriate to the character of the wider conservation area. As such the proposal is acceptable in terms of policy and guidance it is noted that there is no objection from the conservation officer. The proposal complies with the NPPF, Places for Everyone and UDP Policies EN2/1 and EN2/2 in relation to conservation areas.

**Visual amenity and streetscape** - The new porch, replacing a former porch and the replacement vehicular access doors, together with boundary wall would improve the appearance of the property from the public arena.

The impact of the orangery at the rear of the house not be significant as it would not be screened by the house and not prominent within the conservation area.

In terms of visual amenity and appearance, the proposal would be acceptable and comply with UDP Policies EN1/2 and H2/3 relating to townscape and extensions.

**Residential amenity** - Given the nature of the proposal and the siting in relation to immediate neighbours, there are no residential amenity issues arising.

The proposal is acceptable in terms of residential amenity and complies with UDP Policy H2/3 and SPD6 relating to extensions and alterations.

**Access and Parking** - Although the dropped kerb/access point from the highway would remain as existing, the gates posts and new timber gate would be shifted by about 1m towards the house. This change would not impact on highway safety in any way. In terms of access and parking, the proposal is considered acceptable and complies with UDP Policy H2/3 and guidance in SPD6 with regard to extensions and alterations.

### **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 numbered POP-01-20, POP-02-20 and POP-03-20 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 and Places for Everyone Joint Development Plan listed.

- 3 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 06/12/2024  | DM -                    | 12/12/2024  |