

DELEGATED REPORT

Report by Amanda

Date of report: 23/07/2025

Ref:72010/FUL

Uhunmwagho

Registration: 04/06/2025

LDFC: 08/07/2025

Expiry Date: 30/07/2025

Site Visit: 01/07/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 5 Jesmond Avenue, Prestwich, Manchester, M25 9NG

Description

Planning permission was previously granted at this site for a similar development in November 2022. The current application has been submitted following an enforcement complaint as the structure has been built not in accordance with the approved drawings. It projects 310mm further from the original rear elevation and it is 450mm wider at the rear than what was approved. The application has been submitted to regularise this.

The application property is a two storey end of terrace house, with basement, in a short row of three dwellings. There are small garden areas to the front. Jesmond Avenue is built on a hill which slopes up from south to north so the application property has a slightly higher ground level to number 7 to the south and lower compared to number 3 to the north. The property is raised to the rear yard area and there are steps leading down from the property to the rear yard. The rear boundary wall has been removed and there is open access to the rear of 6 Arlington Avenue at the rear.

The proposal is to retain the single storey extension as built. It projects 4910mm along the shared boundary and it extends across the whole of the rear elevation. It measures 6325mm at the rear, with steps down to the garden. It has been built to the same height as previously approved and it has a succah rooflight.

According to the plans the basement has also be extended out below the proposed extension but this is not part of the proposal.

Relevant Planning History

- 68214 - Prior approval for proposed single storey rear extension - Withdrawn by Applicant 05/05/2022
- 68412 - Prior approval for proposed single storey rear extension - Withdrawn by Applicant 09/08/2022
- 68763 - Single storey rear extension - Approve with Conditions 08/11/2022
- 25/0163 - Not in accordance with approved plans of planning permission 68763 - 04/06/2025

Publicity

4 neighbours notified on 18/06/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PFE	Places for Everyone

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.

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 extension would be built on the rear of the dwelling and as such would not be visible in the public realm. It would only be visible from the rear of neighbouring properties/gardens. The extension would be built with a design and finished with materials that would be 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 extension would be around 6690mm from the rear elevation of no.6 Arlington Avenue directly to the rear of the site.
- The boundary is open to no.6 Arlington Avenue as the space is shared between family members at both properties.
- A small part of the rear boundary is also shared with no.8 Arlington Avenue. There is a tall fence/wall to the rear of that property covered in planting. The majority of views from the rear yard of site are screened by the existing boundary treatment. Given the height difference between the properties on Jesmond Avenue compared to Arlington Avenue part of the extension would be visible from the rear of no.8 Arlington Avenue. However, as there would be no windows directly facing this property there would be no significant detrimental effect on privacy levels at that particular property.
- At it's highest point the floor level of the proposed extension would be around 1000mm from the ground level of the rear yard with an overall height of 4300mm. Taking in to account that the site is positioned west of properties on Arlington Avenue, at its closest point the rear elevation would be around 9500mm from the rear of no.8 Arlington Avenue and the extension would not be built directly to the rear of that property there would be no significant detrimental effect on light availability and/or overshadowing to the rear of no.8 Arlington Avenue.
- The extension would project 4910mm along the shared boundary with no.3 Jesmond Avenue to the north. The previously approved extension would have projected 4600mm. Given the next door neighbour has not objected to the current proposed the projection of 4910mm would be considered acceptable under the larger homes scheme.
- Due to the land on Jesmond Avenue sloping down to the south no.7 next door is slightly lower to the site. On the rear elevation of no.7 there is a door and kitchen window closest to the boundary at ground floor level and a bathroom above. The only window facing this property would be a kitchen window. As a kitchen is classed as non-habitable the side window to this room would be acceptable.
- The rear access door and steps down to the rear yard would also face the shared boundary with no.7. As this area is for access only to the new kitchen extension it is considered there would be no significant detrimental effect on residential amenity at no.7 Jesmond Avenue next door.
- The extension would be built over a large area of the existing rear yard but given that almost half of the existing rear yard area would remain it would not be considered significantly detrimental in terms of the impact on the available amenity space within the site.
- The plans also show that the existing basement would be extended below the proposed rear extension. This is not part of the current proposal and it would be assessed as part of the Building Control application.

Taking the above in to account the proposal conforms to UDP Policy H2/3 - Extensions and

Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front.

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 002 Rev 1, 003 Rev 4, 004 and 005 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 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, 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 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>
AU - 23/07/2025		DM - 28/07/2025	