

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 23/10/2023 | <b>Ref:</b> 70008/FUL          |
| <b>Registration:</b> 16/08/2023 | <b>LDFC:</b> 22/09/2023           | <b>Expiry Date:</b> 11/10/2023 |
| <b>Site Visit:</b> 23/10/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| 14:15:00                        |                                   |                                |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two storey extension at front/side with new steps/balustrade to front entrance

**Location:** 10 Langley Gardens, Prestwich, Manchester, M25 3EF

### **Description**

The application relates to a two-storey semi-detached house on 10 Langley Gardens , a residential road with similar style properties. The adjacent properties on either side are No. 8 Langley Gardens (attached) and No. 12 Langley Gardens. To the rear, the site shares boundary with No 489 Bury Old Road and No. 20 Langley Hall Road.

Planning permission is sought for a two-storey extension at side with new steps/balustrade to front entrance. The two-storey side element would project approximately 2.5 metres to the side and accommodate an office, and a kitchen with a pantry on the ground floor. There would be an additional bedroom and a new separate bathroom on the first floor. The new front steps platform would raise to 0.7 metre with the balustrade railing extending 1 metre above. The development would utilise the use of matching materials and would have a pitched roof above the side extension.

### **Relevant Planning History**

None.

### **Publicity**

Neighbour letters sent. One objection received.

Comment concerns the potential overlooking and privacy issues that may raise from this development. They believe the proposed two storey side extension would overlook their garden and would have a detrimental privacy invasion as well some impact on daylight/sunlight implications.

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

N/A

### **Pre-start Conditions**

N/A

### **Unitary Development Plan and Policies**

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.

### **Visual amenity**

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

The SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5 metres from the main frontage of the original dwelling. The proposed extension would not have a setback. However, in this instance due to a staggered building line together with the fact that the site is located within a short row of semi-detached properties, it would generally be acceptable within this location. Moreover, the proposed development would not project beyond the principal front and rear elevations.

To the front, the property would have no immediate neighbours. Additionally, the proposed steps/balustrade to front entrance would be modest in scale. Therefore, there would be sufficient mitigation to suggest that this development could sit within the streetscape relatively comfortably without having any detrimental impact.

Overall, in terms of scale, design and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the associated amenity space. Therefore, the proposed extension would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3.

### **Residential Amenity**

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed two-storey side extension would have no significant impact in terms of overlooking and privacy, as there would be no proposed windows to the side. Additionally, there would be sufficient distance to the properties to rear and there would be no properties in front of the site.

In terms of the general prominence and impact on daylight/sunlight the proposed extension would be slightly set off from the shared side boundary and would be to the West of the adjacent property to the side (No.12) and South-West of the properties to the rear .

Moreover, the proposed development would not project beyond the principal front and rear elevations. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore 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 will result in one additional bedroom, however there will be no changes to site access, or current parking arrangement.

### **Response to Objections**

Comments concern the potential reduction of privacy and the overlooking issue that could be exacerbated by the proposed development. However, the report has addressed these concerns and highlighted that there would not be any adverse impacts. The proposed habitable bedroom window directly facing the rear boundary would be approximately 7 metres away. Furthermore, the proposed development would not project beyond the principal front and rear elevations and therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, the effect of the proposed development would not be significantly excessive above and beyond the existing situation and would therefore not trigger any serious privacy/overlooking implications or any impact on sunlight/daylight.

### **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 Dwg No. R-0771-SLP, Dwg No. R-0771-02, Dwg No. R-0771-03, Dwg No. R-0771-04, Dwg No. R-0771-04 B, Dwg No. R-0771-05 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 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> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 23/10/2023  |                         |             |