

DELEGATED REPORT

Report by Amanda

Date of report: 06/05/2022

Ref:67973/FUL

Uhunmwagho

Registration: 12/01/2022

LDFC: 11/02/2022

Expiry Date: 09/03/2022

Site Visit: 15/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension

Location: 21 Oaklands Drive, Prestwich, Manchester, M25 1LJ

Description

The application relates to a two storey semi-detached property situated at the head of a cul-de-sac. There are gardens to the front and rear of the dwelling and a detached garage to the side with parking in front. To the rear of the property there is a single storey extension and conservatory. Directly to the rear of the site are Metrolink tracks.

The proposal is to replace the existing single storey rear extension and conservatory with a flat roof single storey extension. It would have a raised roof lantern to the centre of the roof. The extension would project 3.96m and would be positioned around 250mm off the shared boundary with the attached neighbour. It would measure 5.87m wide.

Relevant Planning History

N/A

Publicity

Neighbours notified on 21/01/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Transport for Greater Manchester - No objections to the proposal. Condition added regards tree protection measures.

Pre-start Conditions - Agent has agreed with pre-start condition.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

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 elevation of the existing property and as such would not be openly visible in the public realm. It would be built with materials and a design which would be considered to be in keeping with the existing building.

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 built on the rear of the original dwelling with windows to the rear and west side elevations. As the side window would look on to the applicant's existing garage there would be no significant detrimental effect on residential amenity at no.23 next door.

- The extension would project 3.96m adjacent to the shared boundary with the attached neighbour. Taking in to account the Larger Homes Scheme and the fact the neighbour has not objected to the proposal the proposed projection of 3.96m would be considered acceptable on this occasion.
- Directly to the rear of the site are Metrolink tracks. Metrolink have advised they have no objection to the proposal but have requested that the agent/applicant should provide root and tree protection measures with regards to trees on the Metrolink embankment to the rear of the site. A condition would be added to the decision regards this.
- The proposed extension would be to the rear of the house and would not interfere with the existing parking arrangements on the site. In addition the extension would not result in further bedrooms at the property. As such the existing parking arrangements within the site are considered acceptable in this instance.

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.

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 the location plan and drawing numbered 2217_PRE_01_Planning 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 requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.
- 4 No development shall commence unless/until details of the root protection area and tree protection measures for the trees on the Metrolink embankment have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the approved details are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant

DELEGATED REPORT

to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 06/05/2022			