

DELEGATED REPORT

Report by Mo Warsame	Date of report: 21/06/2023	Ref: 69595/FUL
Registration: 07/06/2023	LDfC: 29/06/2023	Expiry Date: 02/08/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear with ramp to garden level

Location: 68 Cuckoo Lane, Prestwich, Manchester, M25 2TD

Description

The property is a semi-detached house located on a corner plot. There is a garden to the front and side along with a small garden to the rear with fencing along the boundaries. The attached property is No.66 Cuckoo Lane. The neighbouring property to the opposite side is No.70 Cuckoo Lane which separated by a highway.

Planning permission is sought for a single-storey rear extension with a ramp to the rear garden level. The extension would accommodate a new dining room and two additional bedrooms, one with ensuite bathroom. The extension would project 3000mm on the shared boundary with the adjoining dwelling. On the opposite side the extension would project 5450mm to the rear and run 5900mm to the side. The proposed ramp would follow the shape of the extension and would have 1365mm high railings. The proposal would be constructed using matching materials and would have a hipped pitched to harmonise with the existing structure.

Relevant Planning History

None.

Publicity

Neighbour letter sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/1	Visual Amenity
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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The extension would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing dwelling. The proposed ramp would also be a simple modest structure. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies EN1/2, H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

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

- In terms of overlooking and privacy, there would be no side windows proposed on the side facing the attached neighbour (No.66) and distance to the rear boundary is considered sufficient. On the opposite side, there would be one proposed habitable window. However, properties facing this side are separated by a highway and would be sufficiently setback from the extension. Furthermore, the proposed extension would be further shaded by the high scrubs and trees within the site.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 3 metres along the shared boundary with the adjoining property (No.66) and projection of approximately 5.5 metres on the opposite side facing the public highway would be considered acceptable in this instance.
- In terms of the general prominence and impact on daylight the proposed extension would be slightly set off from the shared side boundary and would be to the east of No.66 and any overshadowing would not be seriously excessive above and beyond the existing situation.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 ZT23-196-00, ZT23-196-01, ZT23-196-02, ZT23-196-03, ZT23-196-04 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	21/06/2023		