

DELEGATED REPORT

Report by Mo Warsame	Date of report: 29/11/2023	Ref: 70133/FUL
Registration: 02/10/2023	LDFC: 02/11/2023	Expiry Date: 27/11/2023
Site Visit: 11/11/2023	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 3	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single Storey Rear/Side Extension; Front canopy

Location: 16 St Austells Drive, Prestwich, Manchester, M25 1LX

Description

This property is a two-storey semi-detached house built in red brick and has a small front garden. There is no on-site parking at all. To the rear there is an enclosed garden with high fences to all boundaries. There are also small trees to the rear boundary which blocks some views to the rear. No.14 St Austells Drive (attached) has an existing single storey extension and a garage to the rear. No.18 St Austells Drive is located on the opposite side and the properties to the front and rear are over 20 metres away.

Planning permission is sought for a wrap-around single storey rear/side extension and a front canopy extension. The proposed wrap-around extension would project 1.75m to the side and approximately 3m to the rear. The proposal would accommodate an open plan kitchen/diner along with a new bathroom. The development would be constructed with matching materials and would have a flat roof with sunroofs while the proposed canopy would have a pitched roof.

Relevant Planning History

None.

Publicity

Neighbour letters sent. Three objections received.

Comments

The following concerns have been raised:

- Where the bins would be stored after construction since the existing side access would be closed.
- Building material types and storage during the construction period.
- Privacy/outlook implications and the proximity of the proposed development to the shared boundary with the concerning party and how this would impact future repair works, such as repairs to gutters etc.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Situated to the side and rear, the wrap-around extension would be visible from the street scene. However, it would be modest development projecting 1.75m to the side and approximately 3m to the rear. Moreover, the development would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

The proposed front canopy would also be a simple, modest structure with unobtrusive design, which would not detract from the character of the dwelling. It would be built with materials that would be considered in-keeping with the original property and remain similar to some of other properties in the immediate vicinity. Furthermore, this structure with its pitched roof would shade the flat roof of the side extension from the street scene, effectively tying the development together. As a result, the proposed development would appear subservient to the existing dwelling and would not have a detrimental impact on the character of the street scene.

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

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, the wrap-around side/rear extension would have no proposed windows facing the adjacent neighbours and would instead project a blank wall. Furthermore, the distance to the rear site boundary is considered sufficient at more than 10m. Moreover, the proposed rear element would not project out from the existing building line in excess of 3m, beyond which the 45-degree rule would apply.
- The proposed porch canopy would be a modest structure and would not interfere with the existing parking. Additionally, there would be over 20m to the properties in front.
- There would remain an acceptable amount of outdoor private amenity space.
- There would be an acceptable amount of outdoor private amenity space in the front of the property for the storage of bins.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on amenities of the 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.

Response to the Objection(s)

The planning matter related concerns stated by the objecting party have been discussed on the above report. Following a thorough investigation, it has been determined that the development would have no adverse or detrimental impact on the adjacent neighbouring properties. As highlighted on the report above the bins would be stored on the front of the property and the proposal would raise no privacy or outlook implications at would impact the residential amenity enjoyed the neighbouring properties. The rest of the concerns would be either non-planning matter or not warrant to refuse this application.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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. 001, Dwg No. 002, Dwg No. 003 REV.1, Dwg No. 302 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	29/11/2023		