

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/02/2022	Ref: 67869/FUL
Registration: 03/12/2021	LDfC: 14/02/2022	Expiry Date: 28/01/2022
Site Visit: 10/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension; First floor rear extension; First floor obscure side window

Location: 16 Wilton Avenue, Prestwich, Manchester, M25 0HD

Description

The property is a two storey semi detached house. It has a shallow garden to the front and there is no off street parking. To the rear it has been extended with a dormer and a single storey extension with steps out to a paved rear garden. The garden is fenced and there are conifers along the rear boundary which backs on to the rear gardens to 13 Hardman Ave and a small section of No.11. The adjoining neighbour is No.18 and is extended with a rear dormer adjoining the site one. A single storey structure extends deeper than the site single storey. To the opposite side the unattached No.14 has windows ground and first floor to the rear elevation to the site side and adjacent these a single storey extension.

The application includes a single storey at the rear to be 4.5m deep from the existing two storey rear elevation. It would run across the full width of the house to extend the kitchen. Above this, to the north side, a first floor would come out 3.3m deep for 3.4m across to form a utility room. An existing bedroom would be converted to a bathroom and an obscure glazed window added to the existing first floor side elevation.

Relevant Planning History

47401 - Dormer at rear - AC 26/01/2007

67042 - Prior notification for proposed single storey extension at rear - Prior Approval Not Required - 25/06/2021

67241 - Single storey rear extension - AC 21/09/2021

Publicity

Surrounding neighbours were notified by letter on 14/12/21. A further 14 day letter was sent 31/01/22 regarding revised plans to include the addition of the proposed steps and first floor shown on the site plan. Two responses have been received from nearby neighbours. Their concerns in summary are :-

- Lack of information on the drawings. No scale bar.
- Section through the site showing relationship with Hardman Ave would be helpful
- Object on grounds of mass, scale, overbearing nature, and detriment of neighbour amenity
- Dominating and obtrusive mass.
- Loss of privacy. Close to rear boundary.
- Loss of light to properties at rear
- In the wider context of the street would appear to be the largest extension proposed and set a precedent
- Decrease value of neighbouring properties and make them hard to sell

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed development would be located to the rear therefore it would not impact on the main street view.

The single storey would be flat roofed with a lantern light and windows and door to the rear elevation. Steps from the house to the rear garden would be positioned the same as the previous ones. The first floor would have a hipped roof and one window to the rear elevation. Materials are noted to be to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The site as existing has no off street parking and there is no scope to create any.

Residential amenity - The single storey would not project more than 3m from the rear of the adjoining No.18. The first floor would be set in from the boundary and would not encroach a 45 degree line taken 1m out along the shared boundary. The new steps would be to this side and to the same layout as the existing ones providing level access out from the house where there is a view to the garden to No.18 as existing. As such there would be no significant change to privacy levels between the two properties.

To the opposite side to No.14 the proposal would be two and single storey. The two storey would not encroach a 45 degree line from the mid point of the closest windows. The single storey would encroach the 45 degree and then fractionally encroach the 25 degree line from the ground floor window. A material consideration is the 'larger homes scheme' which allows single storey extension to 6m on semi detached properties where the adjacent property has not made any objection. The concerns raised were not from No.14.

SPD6 Aspect Standards set out separation distances in order that proposals maintain adequate privacy distances and avoid overbearing relationships. The direct facing property to the rear is No.13 Hardman Avenue, No.11 is off set to the north. No.13 is extended at the rear with a conservatory and dormer. The proposed first floor would face towards the north section to the rear elevation. From the original rear elevation to No.13 and the proposed first floor there would be a distance of approximately 11.2m. The plans for the conservatory application to No.13 (49414) show that the ground floor facing window was to the kitchen. As this is not defined as a habitable room aspect standards are not applied. Given this and that part of the proposed first floor would face the gap between 11 & 13 Hardman Ave it is not considered that there are any grounds for refusal on the separation distance. The proposed window to the utility room window at the rear and bathroom window to the side gable are noted on the plans to be obscure glazed. A condition is added for them to be obscured to level 3 and non opening to 1.7m from inside floor level. This would prevent any loss of privacy to neighbouring properties. The single storey would be closer to the rear boundary than the existing one however at ground floor fencing or planting can screen boundaries and the site currently has conifers.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would result in a smaller rear garden to the site however it would provide an area of outside private amenity space.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objections - The issues regarding the impact on the immediate neighbouring properties with regard to privacy and separation distances are addressed in the above report and the proposal complies with SPD6 Aspect Standards in this respect. The plans are to scale and with a scale bar.

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Property sale and value are not planning matters.

Any further applications from neighbouring properties would be dealt with on their own merits.

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 001, 002 Rev 2, 003 Rev 3, 004 Rev 2 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 Before the first occupation of the extension hereby permitted the utility window to the first floor rear elevation and bathroom window to the first floor north side elevation shall be fitted with obscured glazing, to level 3 as minimum, be non opening to 1.7m from inside floor level and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	21/02/22		