

DELEGATED REPORT

Report by Jane Langan	Date of report: 30/10/2023	Ref: 70005/FUL
Registration: 01/09/2023	LDfC: 25/09/2023	Expiry Date: 27/10/2023
Site Visit: 06/10/2023	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: Two storey side extension and single storey front extension

Location: 3 Lynmouth Grove, Prestwich, Manchester, M25 9TH

Description

The property is a two storey bay fronted semi detached house. It has garden to the front and a drive leading to an attached garage at the side. To the rear is a fenced garden which borders 10 Carr Avenue. This neighbouring property sits side on and has a single storey section to the shared boundary which has a window to the side and there is also one to its front elevation. The unattached neighbour to the side of the proposed development is No.5. It sits at a higher level and has a drive along the side. The side elevation has obscure glazed windows and to the rear it is extended with a conservatory.

The application includes a two storey extension at the side coming out 2.8m. The first floor front would be set back 0.9m. To the front a single storey extension would project out 1m deep to the front of the new extension and across the existing entrance to a total of 4.84m across. The extensions would form a hall, playroom, kitchen at ground floor and a bedroom with ensuite at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 extension would be built to within 0.3m of the side boundary. SPD6 normally requires a gap to the side and a first floor set back at the front to add up to 1.5m. The proposed first floor has been revised from being flush at the front to be set back by 0.9m and this with the 0.3m to the side would add up to 1.2m. There is a levels difference between the site and No.5 and given this then, in this instance at this particular site, the 1.2m of set back and gap is considered to be acceptable and would not result in uncharacteristic terracing.

The proposed extension would have see the main roof hipped and set below the existing ridge. The ground floor at the front would be a monopitch roof. Materials would be brickwork and roof tiles 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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has a drive to the front which would be retained at 5m in length. There is garden to the front of the property and there may be potential for further if the applicant

should require it. Other properties on the street have fully surfaced the frontages. The proposal would not lose any parking, the area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The proposed two storey extension would run along the side to No.5 as blank wall and be around level with its two storey front and rear elevations. As such the proposal would not impact on the principle windows to the main aspect of this neighbouring property.

To the rear the proposed first floor window would be approximately 5.8m to the rear site boundary. The window would be to an ensuite, a non habitable room, and the plans note it to be obscure glazed. It would face the side elevation to 10 Carr Ave, as the existing bedroom window to the site does, and as such there would be no issues regarding loss of privacy.

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

The proposal complies with UDP Policy H2/3 and SPD6 - 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 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 revised drawings numbered WD2.1A, WD2.2 Rev C, WD3.1, WD3.2 Rev A, WD3.3 Rev B, WD5.1, WD5.2, WD5.3 Rev A, WD5.4 Rev A received 30/10/23 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 ensuite window to the first floor rear elevation shall, as noted on approved plan WD5.3 Rev A, be fitted with obscured glazing 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.
- 4 A minimum hardstanding of 5m measured between the highway boundary and the

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front elevation of the extension hereby approved shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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	30/10/23	DM 01/11/23	