

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/12/2023	Ref: 70211/FUL
Registration: 30/10/2023	LDfC: 24/11/2023	Expiry Date: 25/12/2023
Site Visit: 09/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	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

Location: 63 Park Road, Prestwich, Manchester, M25 0EA

Description

The property is a two storey semi detached house. It has a garden and drive to the front and is extended two storey along part of the side. To the rear is a shallow single storey to the party wall side and then a single storey which extends deeper. The rear garden is fenced and borders the side of 20 Castle Hill Road which has a single storey outbuilding along the site boundary. The adjoining neighbour is No.61 and has a single storey to the party wall side deeper than that to the site and is then extended two storey. To the opposite side No.65 is slightly higher and has its drive alongside the site.

The application proposes to remove the existing single storey to the party wall side and replace with a single storey 6.4m deep. It would be flat roofed and form a lounge/sukkah. The monopitch roof to the existing deeper single storey would be replaced as flat and run across from the new extension.

Relevant Planning History

70084 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 27/10/2023.

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, 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 and design - Located to the rear the proposed extension would not be readily visible from the main street view. It would be flat roofed to a height of 3.3m and have a sukkah lantern roof light. There would be bi fold doors to the rear and the walls finished in brick 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 existing parking arrangements would be unaffected.

Residential amenity - The proposed extension would be to the side to the adjoining No.61 attached to the existing extension. With the removal of the existing single storey it would project approximately 6.4m from the two storey rear elevation of the site. No.61 has a shallow single storey and the plans indicate that the proposed extension would project 5.5m beyond this.

SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected.

The proximity of the closest rear window to No.61 is such that the proposal would encroach the 45 degree line at a point less than 3m. This neighbouring property is located to the south east of the site and as such the proposal would not be located where it would cause any significant overshadowing. No.61 has a two/single storey extension to the southeast side and this would have more impact in terms of loss of light. A further material consideration is the 'larger homes scheme' which allows semi detached properties to extend up to 6m deep where there are no objections from neighbours. A larger homes application was submitted for the site (70084) however this noted a 5.1m extension from the original rear of the site, it appears to have included the bay and then considering it original. There were no objections to the larger homes application and there have been none to this planning application.

In conclusion, for the reasons as stated, above it is not considered that there are any justified grounds for refusal and there would be no serious impact on the amenity of the adjoining neighbouring property.

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 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 001,002,003 Rev 3,004 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/12/23	DM 08/12/23	