

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/10/2020	Ref: 65956/FUL
Registration: 11/09/2020	LDFC: 08/10/2020	Expiry Date: 06/11/2020
Site Visit: 05/10/2020	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 extension at side/rear

Location: 11 Sandy Meade, Prestwich, Manchester, M25 9PR

Description

The property is a two storey detached house. It is extended single storey across part of the rear and has a decked area leading from the house and a lawn at a lower level. The garden is fenced and there are trees to the rear boundary. The neighbour to the side of the proposal is No.13 a detached house which is two/single storey along the boundary. To the rear the site borders the rear garden to 45 Lowther Road, a semi detached house, and is around a storey lower.

The application proposes a two storey extension to the north corner of the rear elevation. It would be 2.68m deep and 2.7m wide at ground floor infilling the area adjacent the existing single storey. At first floor it would be 3.8m across. The ground floor would form an extension to the lounge and a dressing room with ensuite at first floor.

Relevant Planning History

40392 - Single storey extension at rear - AC 26/03/03.

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 - Located to the rear the proposal would not be visible from the main street view. It would have a hipped roof and materials would be roof tiles and brickwork to match.

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 and the proposal would not affect any parking area.

Residential amenity - The proposed extension would be to the side to 13 Sandy Meade. There would be no encroachment over a 45 degree line from the principle windows to the rear elevation. There would be an ensuite window to the first floor side elevation of the extension and therefore a condition is added for this to be obscure glazed. To the rear there would be approximately 6.8m from the rear of the extension to the boundary. The ground floor would be at the same level as the existing rear elevation and at first floor the proposed window would be to a non habitable room as a dressing room. Should this room be converted to a bedroom, or an extension of the existing one, it would be slightly less than the 7m SPD6 aspect standards requires to a rear boundary and at a higher level. As such a condition is added for the window to the rear to be obscure glazed. This has been discussed with the agent who confirmed the application is satisfied with this. SPD6 aspect standards, in addition to privacy, also considers overbearing developments

and 13m is the general separation required between a habitable room window of a neighbouring property and a two storey development. An additional 3m can be required where there is a storey difference in levels. This is the case for this proposal and the separation would be approximately 15.6m. There would then be a shortfall of 0.4m however given this is a small amount and with the site trees along the boundary it is considered that there are grounds for refusal.

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 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 01, 02 Rev A, 03 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 dressing room window to the first floor rear elevation and the ensuite to the first floor side elevation shall 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.

<u>Case Officer</u> JL	<u>Date</u> 27/10/20	<u>Sign off Officer</u> DM	<u>Date</u> 03/11/2020
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