

DELEGATED REPORT

Report by Tom Beirne	Date of report: 30/05/2024	Ref: 70692/FUL
Registration: 24/04/2024	LDfC: 20/05/2024	Expiry Date: 19/06/2024
Site Visit: 21/05/2024	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: Single storey extension at front and single/two storey extension at rear with roof terrace

Location: 79 Agecroft Road West, Prestwich, Manchester, M25 9RF

Description

The application relates to a two storey detached house with an integral garage on a road of similar styled houses. To the front is a driveway and garden. A path to the west side leads round to the rear where the former conservatory has been removed. There is an area of raised decking to the rear of the house siting above the rear garden at a much lower level. as the garden is at a significantly lower level. The neighbouring property to the east side is No.77 and has single storey extension to the side. The rear elevation has a window then patio doors and the garden is also at a much lower level. On the opposite side No.81 sits at an angle and has a single storey outrigger at the side. The rear garden is lengthy and has mature trees and planting along the side and rear boundaries.

The application follows a similar proposal approved in 2020 which expired in July last year. It proposes a single storey front extension 1.4m deep and 5.7m across to form a new porch and bike store. To the rear the now demolished conservatory and single storey extension would be replaced with an extension that would be two storey to the south west side 1.3m deep and 3.4m across extending an existing bedroom. The ground floor would be extended 3.1m deep across the whole rear to extend the kitchen and dining room. Above the single storey a roof terrace would extend from the proposed bedroom extension out by 1.7m for the 3.4m width. The existing decking for the most part is to remain in situ.

Relevant Planning History

65554 - Single storey extension at front; Single/two storey extension at rear with roof terrace - Approve with Conditions 30/07/2020

Publicity

Immediate neighbours notified by letter dated 25/04/2024. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - In terms of visual amenity, the extensions and alterations would be in keeping with the existing house and would not appear incongruous within the streetscape. The finishing materials would be

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Parking - The front extension would be slightly deeper than the existing porch however this would not impact on the ability to park a vehicle within the site. In terms of parking, the

proposal is acceptable and complies with UDP Policy H2/3 and SPD6 Alterations and Extensions to Residential Properties with regard to parking.

Residential amenity - Where adjacent the boundary with the neighbouring No.77 the proposal would be single storey, blank wall and 3.1m deep. This would then be less than the 4m that could be constructed under permitted development for a detached house. There would also be no encroachment across a 45 degree line from the patio doors to No.77.

To the opposite side No.81 is set at an angle away from the site and the proposed two storey would not encroach a 45 degree line from the closest rear window. The ground floor of the extension would have a side window however this replaces an existing glazed conservatory and there is mature planting screening at this level. The proposed balcony would be to this side of the site and, whilst not deep at 1.7m and off a bedroom, it would be at a level with potential to overlook the garden to No.81. An obscure glazed screen at 1.7m high has been included to address this issue and a condition is added for this to be retained. There would be a distance of over 40m to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties and there are no objections. 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 drawings numbered LP2001_3_001, LP2001_3_100, LP2001_3_101, LP2001_3_110, LP2001_3_111, LP2001_3_200A, LP2001_3_201A, LP2001_3_300 Rev B, LP2001_3_301 Rev B 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 A minimum hardstanding of 5.5m measured between the highway boundary and the proposed garage doors shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and 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.

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- 4 Before the first occupation of the extension hereby permitted the 1.7m high glazed balustrade to the roof terrace, as shown on the approved plans, shall be fitted with obscured glazing and be permanently retained thereafter unless otherwise approved in writing by the Local Planning Authority.

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>
Tom Beirne	30/05/2024		