

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 16/02/2022

**Ref:**67807/FUL

**Registration:** 01/12/2021

**LDFC:** 22/12/2021

**Expiry Date:** 26/01/2022

**Site Visit:** 02/12/2021

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Single storey rear extension and decking area with steps to garden level; Loft conversion with rear dormer; Alterations to driveway/vehicular access and installation of boundary fence/gate at front/side and 4 bin storage unit at front

**Location:** 36 Duckworth Road, Prestwich, Manchester, M25 9QH

**Description**

The application relates to a two-storey semi-detached house on a residential street of similar properties. The attached neighbour has recently been granted permission for a single storey extension and dormer both at the rear (67891) and the neighbour on the other side also has a single storey extension plus large submerged shed. The rear of the property overlooks the lower side of a hill plus some trees and shrubs exist along the boundary. At the front there is space for one car plus bins.

Planning permission is sought for:

- Single storey rear extension to match width of existing dwelling while extending 4m from the rear building line, with flat roof, stone coping, and skylight.
- Decking area with steps to garden level.
- Loft conversion with rear dormer.
- Alterations to driveway/vehicular access with gateway widened to 3.35m.
- Installation of boundary fence/gate – approx. 1m high at front/ 1.8m high at side.
- 4 bin storage unit at front.
- There would be a separation of 11.1m to the rear boundary.

**Relevant Planning History**

None.

**Publicity**

Immediate neighbours notified by letter dated 01/12/2021 sent to 8 (eight) neighbours. No representations were received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

### **Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| H2/3  | Extensions and Alterations                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| HT2/4 | Car Parking and New Development                             |
| SPD11 | Parking Standards in Bury                                   |

### **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** - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the rear, the single storey extension and dormer would not be readily visible from the public arena.

The materials for the rear extension and dormer would include render to match existing, bifold doors at rear ground floor, and frames to match existing. For the outdoor section there would be Composite Decking, fence to match existing, and driveway to be resurfaced plus dropped kerb.

Additionally, it is considered that the proposed front/side fences and 4-bin storage unit at front is appropriate in siting and scale in relation to the main house. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

**Residential amenity** - In terms of overlooking and privacy to the rear, the 11.1m separation distance to the rear boundary (approximately 20m to the neighbours windows opposite) from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. In terms of the unattached neighbour, the impact of the extension is not significant given they also have a rear single storey extension, and no objections have been received from either neighbour.

With regards the large dormer windows, the applicant has agreed to reduce the height of the dormer windows to make them less imposing.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the north of the main house. As such extension would have an impact mainly on the applicants own rear garden and to a lesser extent the neighbours gardens on either side, however any overshadowing would not be seriously excessive above and beyond the existing situation. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

The proposed plans show that the extension would be built directly up to a proposed single storey extension at Nr.34 Duckworth Road (attached neighbour), which was very recently approved. Certificate B has been signed and notice served on the neighbour at no.36. This would be acceptable in terms of the requirements of the planning application.

**Highways** - The proposal would not affect the existing parking arrangements above and beyond the current situation. Although the applicant proposes to widen the driveway to 3.35m this width is considered to be acceptable and will provide adequate space for movement of bins without obstruction by any parked car.

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, which requires the proposal to provide a maximum of 3 parking spaces. Existing on-site parking provides 1 car space, and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout other than driveway width, it is therefore considered that the parking arrangements are sufficient.

**Conclusion** – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies

with UDP Policies H2/3 Extensions and Alterations, and associated guidance in SPD6.

**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 D, E, and F (as submitted on 15/02/2022) 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 The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 The car parking indicated on the approved plans shall be permeable/porous surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| SGR                 | 16/02/2022  | DM                      | 16/02/2022  |