

DELEGATED REPORT

Report by Jane Langan	Date of report: 01/11/2022	Ref: 68793/FUL
Registration: 17/08/2022	LDfC: 31/10/2022	Expiry Date: 12/10/2022
Site Visit: 05/10/2022	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: Two/single storey extension at side/rear

Location: 16 Barnard Avenue, Whitefield, Manchester, M45 6TY

Description

The property is a semi detached house. The front garden is fully hard surfaced and used for parking. There is a gap at the side that leads to a detached garage in the rear garden. To the rear the house extends two storey to the outer side and there is a conservatory to the party wall side. The adjoining No.14 is also extended with a conservatory. To the opposite side No.18 has a drive and detached garage alongside the site and this property is extended single storey at the side/rear. To the rear the site garden borders the rear garden to 27 Tamworth Avenue.

The application includes a side extension coming out 2.5m it would run as single storey for the first 5m then increasing to two storey for 4.6m of which 1.5m would project past the rear elevation linked to the existing rear extension. The ground floor to the rear would be extended out 5.3m deep across the full width of the existing and extended rear. The ground floor would form a bedroom with ensuite and extended kitchen/dining room. At first floor would be an extended bedroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 12/09/22. A further 10 day letter sent to No.18 on 20/10/22 regarding the flat roof amended to a pitched roof. 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 the side boundary. With the first floor set back 5m terracing would not be an issue. The single storey would have a hipped roof with roof lights and the two storey section having a pitched roof forming a side gable wall. This has been amended from the original submission which was a flat roof. To the rear the roof would be a monopitch roof with roof lights. Materials would be brick and roof tiles to match the existing.

As the proposal would restrict access to the rear a timber bin store is added to the north west corner of the front garden. Whilst ideally bins are stored to the rear it is not possible to control where a homeowner may place them and the proposal has considered the issue.

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 is fully surfaced to the front. There would be a drive length over 5m remaining to the front of the extension. This is where the drop kerb is located however there is also sufficient space for a second vehicle. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - In relation to the adjoining No.14 then this property is extended single storey at the rear. The proposal would be single storey to this side and project less than 3m from the rear of No.14. Where the proposal would be two storey it would be set away from the boundary and would not encroach across a 45 degree line taken 1m out along the shared boundary.

The unattached No.18 to the opposite side is extended single storey at the rear and the proposal would not encroach the 45 degree line from the mid point of the first floor rear window of this property. The single storey would project approximately 3m from its rear as extended. The first floor side elevation of the proposed extension would be blank wall. The ground floor would have two windows, one to a shower room and one a secondary window to the ground floor bedroom. They would be close to the boundary and the plan notes both to be obscure glazed. Whilst one window would be habitable it would be secondary to the one to the front elevation. In addition to being obscure glazed it would also face on to the garage and fencing to No.120. A condition is added for the retention of the obscure glazing.

To the rear there would be over 7m from the first floor bedroom window to the boundary.

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 drawings numbered A100, A101, A102, A103 Rev A, A104 Rev A, 105 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 windows to the east side ground floor side elevation shall, as noted on approved plan A103 Rev A, be fitted with obscured glazing and shall be permanently retained in that condition

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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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	01/11/22		