

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 31/12/2021	Ref: 67836/FUL
Registration: 24/11/2021	LDfC: 21/12/2021	Expiry Date: 19/01/2022
Site Visit: 17/12/2021	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: First floor extension at rear

Location: 1 Charlbury Avenue, Prestwich, Manchester, M25 0FJ

Description

The application relates to a two storey semi-detached house which has existing single storey extensions to the side and rear. There are gardens to the front and rear of the property and a drive way for one vehicle to the front.

Planning permission was recently refused at this property. That was for a much larger development which included first and two storey extensions to the side and rear of the existing dwelling. The current proposal is with regards to a first floor rear extension only. The extension would be directly above the existing single storey rear extension and the roof would be hipped.

Relevant Planning History

67212 - Two storey/first floor extension at side/rear and single storey - Refused 06/10/2021
67844 - Prior approval for proposed single storey rear extension - .

Publicity

Immediate neighbours notified on 30/11/2021 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The proposed extension would be built with materials and a design that would be considered in keeping with the existing building as well as with other properties in the immediate vicinity. As the extension would be built wholly on the rear of the existing dwelling there would be no significant detrimental impact on the character of the existing streetscape.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The extension would be built wholly on the rear elevation of the property. As such there would be no impact on residential amenity at properties to the front.

- The extension would provide extra spaces to two existing bedrooms and there would be three windows on the rear elevation. The bedroom window to the north side of the rear elevation would be over 10m from the rear boundary, the central full length window would be just over 7m from the rear boundary and to the south side there would be a high level window installed as that window would be less than 7m from the shared boundary with no.3 Charlbury Avenue next door. These distances would all be acceptable in terms of SPD 6.
- The plans drawn show that the neighbouring single storey rear extension at no.2 Dovedale Avenue (attached) is set back from the existing single storey rear extension on site. However, as can be seen on the site photographs the extension at no.2 Dovedale Avenue projects out to the same point as the existing single storey extension on site. Taking this in to account the first floor extension would not project past the rear of the extension next door and it's projection would be less than 3m past first floor rear windows on this property. This would be acceptable in terms of recommendations as set out in SPD 6.
- As the extension would be to the rear of the existing building only the existing gap between the application property and no.3 Charlbury Avenue would be retained. There would be no new windows to the side elevation facing no.3. As such there would be no concerns in terms of residential amenity at this property.
- Existing parking arrangement to the front of the site would be unaffected by the development and the extension would only increase the size of two existing bedrooms, rather than create further rooms. With this in mind the existing drive way to the front of the site would be adequate in terms of SPD 6. It is also noted there are no parking restrictions to the highway in front.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding 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 SP1.1, A1.1 and A2.1 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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

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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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 31/12/2021		DM	05/01/2022