

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 26/05/2022

Ref:67886/FUL

Registration: 23/02/2022

LDfC: 17/03/2022

Expiry Date: 20/04/2022

Site Visit: 08/03/2022

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: Garage conversion to living accommodation with door and window (frosted glazing); First floor side extension (Retrospective) with hipped roof.

Location: 23 Breeze Mount, Prestwich, Manchester, M25 0AH

Description

This application relates to a two-storey semi-detached house on a residential cul-de-sac of similar properties. There is a single storey extension at the rear. The attached neighbour at No.21 has recently been granted permission (65472) for a single storey extension at the rear and the neighbour on the other side has a single storey side extension. Neighbours to the rear have very extensive trees and shrubs on the boundary.

This is a partly retrospective application as the first-floor extension above the garage has already been built, however the unbuilt sections include conversion of the garage to living space, and the inclusion of a hipped roof.

Planning permission is sought for a first-floor extension that would be constructed above the existing garage entirely within the footprint of said garage and have a hipped roof carried over from the existing roof. The proposed first-floor front window in the side extension would be reconfigured to match existing windows for the main house. Materials would match existing and accommodate new living space at ground floor and an additional bedroom at first floor.

The first-floor extension would be set apart 16m from the rear boundary beyond which there is substantial trees and shrub planting in the neighbours rear gardens.

It should be noted that the first-floor section and ground floor elevational changes are essentially a retrospective application, while the hipped roof would be a new build extension. As such the application should be considered as though is a new development proposal.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 24/02/2022 sent to 5 (five) 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
EN1/2	Townscape and Built Design

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 - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the proposed extension is generally in-keeping with the existing house. Situated at the side, the proposed extension would be readily visible from the public arena, although its sitting, scale, and design is considered to be appropriate for this property and streetscene. Materials would match existing. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

Additionally, it is considered that the proposed hipped roof would be an improvement on the existing structure and that the proposed improvement to the retrospective side extensions front facing first floor window together would make a positive contribution to the surrounding streetscene. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the separation distance to the rear boundary from the proposed extension is not an issue as no rear windows are proposed.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and on the south side of the main house to the north of No.25. The extension would have little impact and 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.

Highways - Other than the loss of the existing garage, the proposal would not affect the existing parking arrangements above and beyond the current situation as there would remain sufficient space for two cars.

Conclusion - In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. Additionally, the retrospective improvements to the side extension would be an improvement to the existing house and streetscene. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 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

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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 proposed hipped roof and first-floor front window in the side extension must be completed not later than one year beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 The proposed conversion of the garage to living accommodation including external alterations 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.
- 3 This decision relates to drawings drawing DA22013. 003 Rev2 as submitted on 26/05/2022.
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.
- 4 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	26/05/2022		