

DELEGATED REPORT

Report by Jane Langan	Date of report: 22/12/2022	Ref: 68939/FUL
Registration: 27/10/2022	LDFC: 17/11/2022	Expiry Date: 22/12/2022
Site Visit: 28/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey side extension; Two storey/single storey rear extension; Single storey front extension

Location: 99 Downham Crescent, Prestwich, Manchester, M25 0BG

Description

The property is a two storey detached house. It has a garden to the front and a drive. To the rear it is extended single storey across part of the elevation and has a fenced garden. The rear boundary has a brick wall with timber fencing above and the properties to the rear are at a higher level. No.97 is located to the west side and is a detached house of the same design. It is built up to the boundary and extended two storey at the rear. To the opposite side is No.101 is a detached house with a drive to the side of the site which leads to detached garage.

The application includes a single storey extension at the front 2.2m deep and 4.7m across to form an entrance with wc. To the side a two storey extension would come out 1.7m and run along the full length and 6.4m beyond the rear elevation for 6.6m across. It would then reduce to single storey at 4.6m in depth for the remainder of the rear elevation. The extensions would form a lounge, playroom, extended kitchen and sukkah with 3 additional bedrooms, ensuite, bathroom and utility at first floor.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 20/10/22. One response has been received from a nearby neighbour the concerns in summary are:-

- No problem with the single storey rear extension
- Concerned the two storey extension will cause overlooking
- Value privacy and trees have been removed that were blocking the view into my property. Now have a clear view from their windows straight into my windows. Will this extension make this even worse ?

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 front extension would not project excessively at 2.2m deep and have a monopitch roof. The two storey side would have a hipped roof set below the main ridge. With the first floor front set back 0.783m and the gap to the side boundary 1.09m terracing would not be an issue. To the rear the two storey would also have a hipped roof and the single storey flat roofed with a sukkah rooflight. Materials are noted to be to match the existing.

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 6 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 has a drive to the front for the parking of one vehicle and this would be retained at 5m in length. The frontages of the properties along this section of the road are shallow and there would appear to be little potential for further parking. The area has on street parking and there is public transport available. In this instance then it is not considered that there are grounds for refusal with regard to the parking arrangements.

Residential amenity - No.97 is the neighbouring property to the west side and is built to the boundary and extended two storey at the rear. Its side elevation has obscure windows at ground floor and two slim plain windows at first floor. The proposed two storey would not encroach a 45 degree line from the mid point of the rear windows to this neighbouring property as extended. As such it would not cause any loss of light to an unacceptable level. The side elevation of the proposed extension would have a lounge, playroom and kitchen window at ground floor, the plans note the first two to be obscure glazed. The first floor would have an obscure glazed bathroom and ensuite window. A condition is added for the windows to this side elevation to be retained as obscure, and this includes the side kitchen window as it is close to the boundary and is a secondary one with two to the rear elevation.

To the opposite side to No.101 the proposed extension would be single storey and project 4.6m deep as blank wall. The rear section would run adjacent the detached garage to 101. The larger homes scheme would also allow a deeper single storey. The proposed two storey would be set in from the boundary by approximately 3.7m and would not encroach a 45 degree line from the closest windows to the rear of this neighbouring property. Two windows are proposed to the first floor side elevation to a utility and a secondary bedroom window. A condition is added for these to be obscure glazed and maintained as such.

To the rear there would be a distance in excess of 7m from the proposed first floor bedroom windows to the rear boundary which would comply with SPD6 Aspect Standards.

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.

Response to objection - SPD6 Aspect Standards sets out separation distances in order to prevent loss of privacy and overbearing relationships to neighbouring properties. The proposal complies with the criteria set out in relation to the relevant neighbouring 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:

DELEGATED REPORT

- 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 A1.1, A1.2 revised plan received 08/12/22 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 5m measured between the highway boundary and the front elevation of the extension hereby approved shall, as shown on the approved plans, be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. 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.
- 4 Before the first occupation of the extension hereby permitted the windows to the lounge, playroom, kitchen, bathroom and ensuite to the west side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition 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.
- 5 Before the first occupation of the extension hereby permitted the windows to the utility room and bedroom 5 to the first floor east side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition 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	22/12/22		