

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/01/2022	Ref: 67298/FUL
Registration: 25/08/2021	LDFC: 22/09/2021	Expiry Date: 20/10/2021
Site Visit: 13/10/2021	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Front porch; two storey extension at side; single storey / two storey extension at rear and erection of outbuilding at the rear and elevational changes including enlargement of first floor window over porch and removal of 3 windows to side elevation

Location: 35 Craigwell Road, Prestwich, Manchester, M25 0FE

Description

The application relates to a two storey detached house on a road of similar styled properties. The applicant's house has an existing single storey outrigger at the rear. The neighbour at No.33 is at a slightly higher level and has a single storey outrigger with no windows on the side elevation facing the application site and an outbuilding in the rear garden. The neighbour at No.37 has a single storey extension across the rear elevation and an outbuilding at the rear, along the shared side boundary.

The proposal is to demolish the existing outrigger and erect a two storey side and rear extension and a single storey rear extension. There would be a new front porch (D1.5m by W2.6m) and the existing outbuilding would be demolished and replaced with a similar building.

The side extension would project out 2.3m to the side boundary and run back 3.2m beyond the existing rear elevation. It would have a 1m set back at the front/first floor. The two storey element would wrap around and extend across half of the rear elevation. The single storey element would extend out just beyond the two storey extension and run across the rear to the shared side boundary with the neighbour at No.37. The extensions would be finished in red brick to match the existing house.

The existing outbuilding would be demolished and resite further back into the rear garden. It would be brick built with a footprint 5m by 2.5m and a pitched roof to a maximum ridge height of 3.5m.

Relevant Planning History

18/0323 - Raised decking at rear - 29/10/2018

Publicity

Immediate neighbours notified by letter dated 01/09/2021. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 streetscape - The porch is relatively modest in scale and the side extension has a setback at first floor at the front. With the level difference between the neighbours and the existing articulation along the frontage, the proposed setback at the front would mitigate the appearance of terracing to an acceptable degree. The roof over the side extension would be hipped and run over onto the existing roof and finishing materials would match the existing house. In terms of visual amenity and streetscape, the proposed extensions are considered to be acceptable and complies with UDP Policy H2/3 Extensions and Alterations and adopted guidance in SPD6.

Residential amenity - With the single storey extension projecting 4m along the boundary with No.37, the impact of the neighbour on this side would not be serious, particularly as this neighbour has an outbuilding with planting along the boundary.

The impact on the neighbour at No.33 is more serious given the two storey extension extends up to the boundary with a lounge window at No.33 closest to the boundary. The two storey rear extension would be to the north/east of No.33 so overshadowing would not be so serious. However, the two storey extension at the rear has been reduced back at first floor level to reduce the impact and comply with a 45 degree line extending from this window. The two storey extension now complies with UDP Policy and guidance.

With only a small obscure glazed WC side window at ground floor level, there would be no windows overlooking the neighbours.

The proposed outbuilding would be single storey and would be set down from the level of the house and rear patio and would not have a serious impact on amenity.

In terms of residential amenity, the proposed extensions would be acceptable and comply with UDP Policy H2/3 Extensions and Alterations and adopted guidance in SPD6.

Parking - There would be a parking space retained on the existing driveway and this is considered to be acceptable and comply with UDP Policy H2/3 Extensions and Alterations and adopted 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 01, 02A, 03, 04, 05A, 06B, 07C, 08B, 09 and 10 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted the ground floor side WC window shall be fitted with obscured glazing and shall be permanently retained

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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>
Tom Beirne	11/01/2022	DM	11/01/2022