

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 12/05/2023

**Ref:**69456/FUL

Uhunmwagho

**Registration:** 07/04/2023

**LDfC:** 12/05/2023

**Expiry Date:** 02/06/2023

**Site Visit:** 03/05/2023

**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:** First floor side extension; Front porch

**Location:** 1 Castle Hill Road, Prestwich, Manchester, M25 0FR

**Description**

The application relates to a two storey detached dwelling with a single storey extension to the side, a small conservatory to the rear and a detached garage to the side. There are garden areas to the front and sides of the property with a brick wall and a fence along the boundary fronting on to Castle Hill Road and Bury Old Road to the south.

Planning permission was previously refused at this property on 03/12/2021. The previous proposal was for a much larger development which was considered to be out of keeping with the original dwelling as well as with other buildings in the immediate vicinity on Castle Hill Road and Bury Old Road.

The current proposal is to add a first floor extension to the side and a front porch. The first floor extension would be built directly above the existing side extension and would provide a fifth bedroom with walk in wardrobe and en-suite bathroom. The roof would be hipped.

The front porch would extend the existing porch. It would project 1.2m forward of the existing front elevation and it would measure 3.62m wide. The roof would be pitched.

**Relevant Planning History**

67582 - Two storey side extensions; Loft conversion with 2 front dormers; Atrium at the front - Refused 03/12/2021

**Publicity**

Neighbours notified on 19/04/2023 - 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 development would be finished with a design and materials that would be considered to be in keeping with the existing building. As such there would be no significant detrimental effect on the character of the existing streetscene.

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 rear elevation would be around 1.5m away from the shared boundary with no.36 Bury Old Road. As the new window to the rear would be a bathroom the window would be obscurely glazed meaning there would be no significant detrimental effect on privacy levels between the two properties.
- The window to bedroom 2 would be repositioned to the rear elevation. As the window would be little over 1m from the shared boundary with no.36 Bury Old Road the new window would be obscurely glazed up to 1.7m from the internal floor level. As such there would be no significant detrimental effect on privacy levels at this property.
- A single storey side and rear extension is also currently under construction at no.36 Bury New Road. This runs adjacent to the rear site boundary. As there is a single storey extension to the rear of this property the projection of the first floor extension would not have any significant detrimental effect on residential amenity at this property.
- The north east side elevation would be around 5.94m away from the shared boundary with no.3 Castle Hill Road. The existing ground floor window would remain as it is and there would be two first floor windows. One would be to an en-suite which would be obscurely glazed and one to a bedroom which would be obscurely glazed up to a height of 1.7m from the internal floor level. As such there would be no significant detrimental effect on residential amenity at no.3 Castle Hill Road next door.
- Properties to the front of the site would be a sufficient distance from the extended property not to have any significant detrimental impact on residential amenity at those properties.
- The front porch would be positioned to the front of the existing entrance to the property. It would not interfere with existing parking arrangements on site.

Taking the above in to account 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.

**Parking -**

The proposal would increase the number of bedrooms from 4 to 5 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 at the front for the parking for two vehicles and a detached single garage, which equates to 3 parking spaces available within the site. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

**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.

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- 2 This decision relates to drawings numbered 1CAST received on 10/05/2023 as modified by the email from Jaan Architects Ltd dated 10/05/2023. The development shall not be carried out except in accordance with the details 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 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.
- 4 Before the first occupation of the extension hereby permitted the secondary window to bedroom 5 and the window to bedroom 2 shall be fitted with obscured glazing, up to an internal height of 1.7m 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU                  | 12/05/2023  | DM                      | 19/05/2023  |