

DELEGATED REPORT

Report by Tom Beirne	Date of report: 29/04/2025	Ref: 71680/FUL
Registration: 20/03/2025	LDFC: 16/04/2025	Expiry Date: 15/05/2025
Site Visit: 16/04/2025	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 rear extension

Location: 12 Windsor Road, Prestwich, Manchester, M25 0DZ

Description

The application relates to a red brick and rendered, two storey semi-detached house on a residential road of similar styled properties. A single storey rear outrigger has been demolished and the extension has been commenced (see site visit photos).

The unattached neighbour at No.14 is not extended and has patio doors on the rear elevation and a bedroom window above, closest to the shared side boundary with the site. The attached neighbour at No.10 has a two storey extension running across the rear elevation.

The proposed extension would project out 4m and run across the rear elevation (7.4m). The roof would comprise a double hip, carried over onto the existing roof. The ground floor of the extension would be finished in brick with the upper floor rendered. The extension would accommodate a kitchen diner at ground floor with a bedroom and en suite above.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 26/03/2025. One comment from immediate neighbour whose concerns are set out below:

- At times the extension would overshadow and cause diminution of our right to light in our livingroom and back bedroom. The quality of light, sunlight and associated warmth has been enjoyed uninterrupted since the properties were built over 80 years ago.
- The level of light to our rooms and also the sunlight enjoyed by our sun patio would be adversely affected from potentially early afternoon and earlier in winter.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
PFE	Places for Everyone

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), the adopted Places for

Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - The extension at the rear is not readily visible from Windsor Road. the design and appearance is in keeping with the existing house and similar to the extension on the rear of No.10 Windsor Road. In terms of visual amenity, the proposal is considered acceptable and complies with UDP Policy H2/3 and SP6 relating to extensions and alterations.

Residential amenity - The proposed extension would project out 4m and be set off the shared side boundary by approximately 2.6m. The extension would not project beyond the 45 degree line, measured from the rear lounge patio doors of No.14 Windsor Road. Whilst the extension would be sited to the south west of No.14 and would be prominent when

viewed from this property, it would not be so dominant or have such a significant impact on light levels on the house or garden as to warrant refusal on grounds of residential amenity.

There would be over 9m to the rear boundary and this distance is considered to be acceptable in terms of overlooking and privacy. The only side window in the extension would be an en suite with obscure glazing.

The extension, on balance, would be acceptable and comply with UDP policy and guidance in SPD6 with regards to residential amenity and relationship with neighbours.

Neighbour comments - The issues raised by the neighbour have been addressed in the above report. Whilst the impact on light is a material consideration, the specific issue of 'right to light' relates to separate legislation and action could be taken by the neighbour if deemed appropriate. The impact on light /shadowing has been assessed with regard to planning policy and guidance.

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 Project 25023 dated Feb '25 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 and Places for Everyone Joint 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 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 side/first floor en suite window 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
29/4/25 TB		DM 29/4/25	