

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/01/2022	Ref: 67749/FUL
Registration: 02/11/2021	LDFC: 01/12/2021	Expiry Date: 28/12/2021
Site Visit: 23/11/2021	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 extension at side/rear

Location: 7 Vernon Drive, Prestwich, Manchester, M25 9RA

Description

The property is a bay fronted semi detached house located along a cul de sac. It sits at a higher level from the footpath with garden to the front, steps up and a drive. To the rear it has been extended single and two storey. The neighbouring property to the side of the proposal is No.9, the same semi type separated by its drive. It has a single storey section to the rear and a detached garage at the end of the drive. The site garden is very lengthy and the rear boundary borders the garden to 12A The Downs.

The application proposes a two storey side extension that would come out 1.3m and run along to the level of the existing rear elevation. To the front the first floor would be set back 1m. The extension would form an extended kitchen, utility and wc and at first floor a master bedroom with ensuite. The bathroom would be relocated to the front in place of an existing bedroom.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from 9 Vernon Drive. Their concerns in summary are :-

- Loss of light and overshadowing to the side of No.9
- Will affect the general street pattern and have a detrimental impact on the character and appearance of neighbouring properties
- Could set a precedent, resulting in a terraced house effect out of character with the surrounding street scene therefore conflicting with UDP Policy H2/3 and Development Control Guidance Note 6.
- Concerns regarding the impact the excavation works could have on the stability of both properties due to slope

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a materials storage condition.

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 extension would be built to within 0.8m of the side boundary. With the first floor set back 1m at the front the proposal would comply with the criteria as set out in SPD6 in order that there would not be potential for terracing.

The extension would have a hipped roof at the front set below the main ridge and to the rear a dual pitch forming a gable. The roof would be re tiled to match the adjoining No.5 and the walls in brick to match the existing house.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Parking would remain as existing. It was proposed to create a parking space to the front garden however after concerns and advice from Highways this has been removed from the scheme.

Residential amenity - The proposed extension would run along the side to No.9 set 0.8m in from the boundary. It would not project beyond the front or rear elevations of this property and therefore the principle window to the main aspects would not be impacted upon. It would bring a wall in closer proximity to the side elevation to No.9 which has a number of windows however SPD6 affords limited weight to side windows. There would be one window to the side elevation to the ground floor, a slim secondary window to the kitchen. The site as existing has side windows to the ground floor and there is some screening from fencing. Fencing up to 2m can be placed along a boundary should either neighbouring property require more privacy. There would be a distance well in excess of 7m from the first floor rear bedroom window of the extension to the rear boundary.

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

The issues regarding loss of light/overshadowing to No.9 and terracing effect on the street are addressed in the above report.

Stability from excavation works is a constructional matter and the proposal would be subject to Building Regulations.

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 1/35/2021, 2/35/2021 Revised plan received 07/12/21 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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

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Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	06/01/22	DM	06/01/2022