

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/11/2023	Ref: 70132/FUL
Registration: 02/10/2023	LDFC: 30/11/2023	Expiry Date: 27/11/2023
Site Visit: 30/12/1899	Site Notice: N/A	Press Date: N/A
01:00:00		
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 with juliette balcony

Location: 141 Heywood Road, Prestwich, Manchester, M25 1LF

Description

The application relates to a semi-detached dwelling house located on Heywood Road. The premises has off street parking located to the front, with a garden located to the rear that backs onto playing fields. The adjacent properties on either side are No. 139 (attached) and No. 145 Heywood Road.

Planning permission is sought for a two-storey rear extension with Juliette balcony. The two-storey extension would project approximately 3.5m to the rear and run 7.1m to the side. The development would have a pitched roof and facilitate an open plan kitchen/diner on the ground floor and bedroom extension with ensuite bathroom along with a dressing room on the first floor. The proposal would be constructed with matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objection received.

Comments

The concerns relate to the proposed rear extension, its scale, and its proximity to the shared side boundary. There is also a concern of whether the development would cause privacy/outlook implications when the 45-degree rule is applied, overshadowing and other privacy concerns that could be caused by the proposed Juliette balcony.

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
SPD11	Parking Standards in Bury

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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 two storey extension is located entirely to the rear of the dwelling and as such would not be visible from the street scene. The extension would have a simple and unobtrusive design that would not detract from the character of the original dwelling. The pitched roof is also considered to be acceptable. The use of matching materials would be appropriate in this instance and the proposed Juliette balcony would suitably align with the

other the proposed and existing windows when viewed in relation to the original dwellings.

Even though the proposed extension would not have a lower ridge height than the original dwelling its scale and massing give the impression of subservience. The proposed development is therefore considered to be acceptable and would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space.

It is considered that the proposed extension would not be detrimental to the character of the dwelling, street scene or neighbouring properties and as such complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed two storey rear extension with its Juliette balcony would have no sufficient impact in terms of overlooking and privacy, as there would be no properties directly to the rear. Furthermore, this extension would have no proposed side windows facing the adjacent properties on either side. In terms of the general prominence and impact on daylight the proposed development would have setbacks on either side of the shared side boundaries. Moreover, the development would not encroach the 45° rule when taken from the adjacent neighbouring properties. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, the proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

The proposal will result in no additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Response to the Objection(s)

As highlighted on the report above the proposal would raise no privacy/outlook or overshadowing/loss of daylight implications that would impact the residential amenity enjoyed by the neighbouring properties. There would be sufficient setback distance between the proposed extension and the shared side boundaries on either side. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation. Furthermore, there would be no proposed side windows and the Juliette balcony would be located on the rear and as such, would not be directly facing any of the adjacent properties. Overall, there would be no serious impact on amenities of the adjacent neighbouring properties.

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 the drawings received on 02/10/2023 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 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>
MW	30/11/2023		