

DELEGATED REPORT

Report by Claire Booth	Date of report: 25/06/2025	Ref: 71798/FUL
Registration: 31/03/2025	LDFC: 06/05/2025	Expiry Date: 26/05/2025
Site Visit: 01/05/2025	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side and rear

Location: 34 Kenilworth Avenue, Whitefield, Manchester, M45 6TG

Description

This application relates to a semi-detached property located on the south side of Kenilworth Avenue, Whitefield. The property has a driveway frontage and a garden area to the rear. The garden area contains an area of raised decking. The rear of the property has a staggered elevation as it contains a single storey 2.7m deep projection.

Planning permission is sought for a single storey side and rear extension.

The side extension proposed would infill the existing gap at the side of the property. The rear extension would have a staggered rear elevation. The two extensions would adjoin on the corner. It would project 3m against the adjoining neighbour and approximately 3.7m overall. It would measure approximately 2.5m to the eaves and a maximum height of approximately 3.4m.

The extensions would provide an open and enlarged kitchen and dining area.

Relevant Planning History

None for the application site.

Adjoining Neighbour - 32 Kenilworth Drive

64404 - Prior notification for proposed single storey rear extension. Prior Approval Not Required, 02/08/2019

68101 - Erection of a part single and part two storey side extension. Demolition of front porch and erection of a canopy. Approved with Conditions, 25/03/2022

Neighbour - 36 Kenilworth Drive

28873: Single storey side extension - Approved with Conditions, 31/08/1993

Publicity

9 neighbouring properties have been notified by letter dated 10/04/2025.

One representation has been received which raises concern about the proposal adversely affecting their privacy and concerned this proposal would adversely the value of their property.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Design and 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 extension is considered to be acceptable in terms of scale and massing and would not overwhelm the original dwelling or result in over development of the residential amenity space. The mono-pitch roof is considered to be acceptable and the use of brick mirrors the brick walls of the host dwelling. In this instance it is considered that the proposed extension would not be detrimental to the character of the dwelling.

The side extension would be visible from the street scene however in the assessment of this application, it is important to consider any permitted fallback. In this respect, the side extension itself could be erected as permitted development. There are also existing side extensions along Kenilworth Avenue and therefore the proposal is considered to be in keeping with the character of the street scene. The rear extension is located entirely within the rear garden of the dwelling and as such would not impact on the character of the area.

The proposed extension would be built with a design and materials that would be considered in keeping with the existing building.

The proposal also shows that bins would be stored in a bin store located in the frontage of the property which would be screened from the street scene by the existing front boundary hedge.

Residential Amenity

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

- It is noted that the proposed extension projects 3 metres beyond the rear of the host dwelling to be more or less in line with an extension present on the rear of the adjoining property, no. 32 Kenilworth Avenue.
- Whilst part of the proposed rear extension projects more than 3 metres, this would have no adverse impact on the occupiers of no. 32
- No windows or doors face towards the properties to the north-east of the application site, No. 36 Kenilworth Avenue and No. 2 Carrisbrick.
- Proposed rear windows would be screened by existing boundary fence.

Conclusion

For all the above reasons, including the permitted fallback position, and subject to the recommended planning condition, the proposal would cause no harm to visual or residential amenity. It is thus recommended it be approved.

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 permission relates to the following plans:

Drawing no. KNL-DR-A-0001 Rev. P01: Location Plan; and,
Drawing no. KNL-DR-A-0003 Rev. P01: Proposed Site, Floor Plans & Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan.
- 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>
CB	25/6/25	DM	25/6/25