

DELEGATED REPORT

Report by Sam Summers	Date of report: 21/01/2022	Ref: 67748/FUL
Registration: 02/11/2021	LDFC: 02/12/2021	Expiry Date: 28/12/2021
Site Visit: 16/12/2021	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: Single storey rear extension with raised steps and balustrade

Location: 20 Bland Road, Prestwich, Manchester, M25 9WL

Description

The application property is a two storey property as viewed from the front but at the rear the land is much lower and there is an existing basement to the property with access from the existing patio area. This is the same as most of the properties on the southern side of Bland Road.

The proposal is to build a single storey rear extension projecting 2.81m from the original rear elevation. It would be set away from the shared boundary with no.18 Bland Road by 765mm and then would extend across the remainder of the rear elevation. There would be windows to the rear elevation. To the side of the property steps would be created a handrail added.

This is a resubmission amending the size of the extension previously approved under 65675. The extension extends further from the rear wall and is set back further from the boundary to No. 18 Bland Road.

Relevant Planning History

65675 - Single storey rear extension with external stepped access with handrail and raising part of rear upper garden terrace patio - Approve with Conditions 27/08/2020

Publicity

Neighbours notified on 10/11/2021 - 1 objection received from nearby neighbour - Objection relates to height of extension, feel it should be classified as two storey.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

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 -

The proposed extension and steps to the side of the property would be built with materials and a design that would compliment the existing building and as the extension would be to the rear of the property it would not have any detrimental impact on the character of the street scene. The design of the proposal is considered to be in keeping with the existing building.

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

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

DELEGATED REPORT

- Proposed extension would not project more than 3 metres beyond the rear of either neighbour complying with guidance contained within SPD 6.
- Along with not extending beyond 3m the extension also complies with the 45 degree rule.
- Proposed rear windows would be screened by existing rear boundary treatments.
- The side windows proposed are rooflights and due to the nature of rooflights no undue overlooking foreseen.
- The proposed steps at the side of the extension would be a similar distance from the boundary with No.22 as the stairs currently in place, they would provide direct access from the rear extension to the patio area below. As there would only be a small landing outside the door to the extension and steps leading straight down to the patio there would not be any seriously detrimental effect on privacy levels at No.22 which also has access to their rear garden at the side of their property.

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 that it projects no more than 3m from the neighbouring properties and complies with the 45° rule measured from the nearest relevant window of the adjacent property.

Response to objection -

The neighbour believes the extension should be classified as two storey. They have quoted the permitted development rights regulations as evidence of this. That the extension exceeds the permitted development dimensions simply means that the extension requires planning permission, not that it should be classified as two storey. The extension clearly has one floor level and is only higher than permitted development would allow due to the land level differences at the rear of the property.

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 MCEXPL01, MCEXPL02, MCEXPL03, MCEXPL04, MCEXPL05, MCEXPL06, MCEXPL07, MCPRL01B, MCPRL02B, MCPRL03B, MCPRL04B, MCPRL05B, MCPRL06B & Block/Site Plan and Site Location Plan 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

DELEGATED REPORT

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>
SS	21/01/2022		