

DELEGATED REPORT

Report by Jane Langan	Date of report: 24/08/2022	Ref: 68491/FUL
Registration: 16/06/2022	LDFC: 08/07/2022	Expiry Date: 11/08/2022
Site Visit: 18/07/2022	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 extension at side and Single storey extension at rear with a new walkway and ramp access to garden

Location: 22 Church Drive, Prestwich, Manchester, M25 3JW

Description

The property is a semi detached house located on a corner plot. It has a drive to the front and hardsurfaced garden. To the side is an area of decking and to the rear of the house is a patio. Steps and a ramp lead down to a lawn at a much lower level. The adjoining property is No.20 and extended single storey at the rear. To the rear of the site 1 Clough Drive sits side on and is a detached house extended single storey at the rear and there is timber fencing separating the garden and that to the site.

The application includes a single storey extension at the side coming out 1.7m set back 3.3m from the front elevation. It would run for 6.1m along of which 2m would project past the rear elevation and wrap around as a single storey rear extension. The extension would form additional kitchen and lounge space and a wc. Due to the garden levels being lower a 1.5m deep walkway would come out from part of the rear extension with a garden storage area created below. The section adjacent the adjoining neighbouring property would be flat roofed then with glass balustrades to the walkway and a ramp down to the garden.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour and comment from a ward councillor. The concerns in summary are :-

- Proposed extension will remove right to light to large gable end window
- Maintenance to the side would not be possible and side windows will not be able to be opened
- 45 degree taken from the rear window. Should be not be the only location to measure 45 degree and side window not shown on architect plans.
- How could the side wall be constructed ? How could it be pointed from the outside.
- Architects report claims no impact to the neighbour during the construction or after completion. There will be significant impact and further possible impacts from large scale excavations required to be made along the boundary line. Properties are already on a large slope.

Statutory/Non-Statutory Consultations

None.

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 have a monopitch roof to the side and be set back from the main frontage of the house then extending around to the rear. The front elevation would be blank brick with windows to the rear and doors to the side elevation leading on to the decking. The walkway would have glazed balustrades and link to the side decking. With the garden at such a lower level a garden storage area would

be formed beneath the extension. Materials would be brick and roof tiles to match the existing.

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. The proposal would not affect the existing parking arrangements.

Residential amenity - The proposed extension would project 2m at the rear to be level with the extension to the adjoining property. The walkway has been revised from the original submission to set it in 3.7m from the boundary with the adjoining neighbour. This would then provide minimal outside space at the rear linking with the main decking area already existing to the east side.

The property to the rear, 1 Clough Drive, sits side on and is extended single storey at the rear. With the site at a higher level there is already an amount of overlooking to this neighbouring property. The proposed extension would bring development closer, the extension wall would be approximately 4.8m away. With the walkway being a short length across and away from the main decked area it is not considered that there would be any significant change in the overlooking situation than as existing.

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 neighbour objection -

Right to Light is a legal matter for the affected party to pursue themselves.

The 45 degree rule of SPD6 has been correctly interpreted. In any case the proposal projects less than 3m deep therefore the 45 degree rule need not be applied.

The agent has been spoken to and made aware of the objection and concerns regarding the maintenance to the neighbouring property. They do not wish to amend to the scheme.

The proposed extension would come to within approximately 0.3m of the boundary however it would be within the applicants curtilage. How the applicant maintains or constructs the side wall is a matter for them to resolve.

With regard to building works close to a boundary then the applicant has their own responsibility to comply with the Party Wall Act.

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

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of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered (DR) A100, (DR) A200 Revision A, (DR) A201, (DR) A202, (DR) A204 Revision A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	24/08/22		