

DELEGATED REPORT

Report by Jane Langan	Date of report: 14/11/2022	Ref: 68852/FUL
Registration: 05/09/2022	LDFC: 11/11/2022	Expiry Date: 31/10/2022
Site Visit: 24/10/2022	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 rear extension

Location: 37 Bury Old Road, Prestwich, Manchester, M25 0EY

Description

The property is a semi detached house and has been extended two storey at the side and across part of the rear. The adjoining property is No.35 and has a bay window to the party wall side to its rear elevation. To the rear the site garden borders the rear garden to 2 Dellcot Close.

The application proposes a single storey extension at the rear 4.2m deep adjacent the existing two storey. It would form a Sukkah. The plans also note two additional windows to be added to the ground floor side elevation.

Relevant Planning History

46683 - Two storey extension at side and first floor extension at rear - AC 05/09/2006

68717 - Prior approval for proposed single storey rear extension - Withdrawn 02/09/2022

Publicity

Surrounding neighbours were notified by letter on 29/09/22. An additional letter was sent to No.39 on 01/11/22 with regard to notifying of the two additional windows added to the existing ground floor elevation.

One response has been received, to the original notification, from a nearby neighbour. Their concerns in summary are :-

- Loss of daylight / sunlight to living room
- Loss of Amenity
- Living room will be boxed in
- Loss of outlook
- Drawings are not showing the correct dimensions of our extension of the rear living room. The living room extension from the boundary wall has been extended less than a meter but the drawing seems to be showing more than that.

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 flat roof with a lantern light and doors to the rear. Brickwork would be 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 - SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and

where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected. The proximity of the mid point of the bay window to No.35 is such that the proposal would encroach the 45 degree line at a point less than 3m. It would project 3.25m past the bay and the agent has provided a site plan with dimensions to confirm this. The consideration then is the impact of the additional 0.25m above the 3m that would be acceptable. Given that the development would be located to the north west side and 0.25m is a minimal amount in this instance then it is not considered that the impact to No.35 would be significant for there to be grounds for refusal.

The plans note two windows to the ground floor side elevation along the boundary with No.39, the first floor already has two. The applicant confirmed at the site visit that they have discussed with the neighbour and the windows would be obscure glazed. The agent has confirmed this and revised the plan to note obscure glazing. As the windows would be directly on the boundary a condition is added for them to be non opening to 1.7m from inside floor level and obscure glazed to level 5. An informative is also added :- *This consent has been granted on the understanding that the two ground floor windows to the existing north side elevation are not main habitable room windows and as such the Councils normal aspect standards will not apply and limited weight would be afforded to them should any future application be submitted by the adjacent 39 Bury Old Road.* The agent has also been advised of this.

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/amenity to the relevant neighbouring properties are addressed in the above report.

The plans have been updated to clarify the dimensions to the extension and neighbouring 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 001 Rev 1, 002, 003 Rev 1, 004 Rev 1 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 Before the first occupation of the extension hereby permitted the two additional

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ground floor windows to the existing north side elevation shall, as noted on the approved plan, be fitted with obscured glazing to Level 5 and be non opening to 1.7m from inside floor level and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	14/11/22	DM	14/11/2022