

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 10/12/2020 | <b>Ref:</b> 66107/FUL          |
| <b>Registration:</b> 30/10/2020 | <b>LDfC:</b> 19/11/2020           | <b>Expiry Date:</b> 25/12/2020 |
| <b>Site Visit:</b> 09/12/2020   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey front and rear extensions

**Location:** 25 Simister Green, Prestwich, Manchester, M25 2RY

**Description**

The application relates to a two storey mid-terraced brick/render dwellinghouse fronting onto Simister Green. Vehicular access is from the rear access road and there is a single garage to the rear of the garden, on the rear boundary. The attached neighbour at No.23 has a conservatory at the rear. The site is situated in Simister which is 'washed over' by the Green Belt.

The rear extension would project out 3.5m and extend across the width of the house (5.3m) have a mono-pitched roof. It would accommodate an extended kitchen and an additional bedroom on the ground floor.

The extension on the front would project out 1m and run across the frontage to accommodate a porch and a bay with a mono-pitched roof. Materials on both extensions would be brick to match the house.

The plans indicate a rear dormer extension which is deemed 'lawful development', not requiring planning permission.

**Relevant Planning History**

66110 - Lawful development certificate for proposed rear roof extension - Lawful Development

**Publicity**

Immediate neighbours notified by letter dated 30/10/2020. No objections received.

**Statutory/Non-Statutory Consultations**

N/A

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

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| OL1/2 | New Buildings in the Green Belt                             |
| 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.

**Green Belt** - Although the site is within the Green Belt, it is within an existing urban settlement. In this context the extensions, which have a modest volume of 73cubicM, are considered acceptable and would not have a material impact on the character and openness of the wider Green Belt. Complies with the NPPF and UDP Policy OL1/2 New Buildings in the Green Belt.

**Visual amenity** - The extensions are modest in scale and, in terms of design and appearance, are in keeping with the existing house and streetscape. The proposal complies with UDP Policy H2/3 and guidance in SPD6 in this respect.

**Residential amenity** - The rear extension, in projecting out 3.5m, is half a metre longer than that normally allowed with reference to guidance. The additional projection is not considered significant and given there are no objections from neighbours on either side, the extension is considered acceptable, particularly in light of current government regulations

on 'larger home extensions'. With no overlooking, the siting and scale of the extensions in relation to neighbours, there are no residential amenity issues arising. The proposal complies with UDP Policy H2/3 and guidance in SPD6 with regard to residential amenity.

**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 25SG/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      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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 10/12/2020  | Dave Marno              | 15/12/20    |