

DELEGATED REPORT

Report by Tom Beirne	Date of report: 08/05/2024	Ref: 70582/FUL
Registration: 04/04/2024	LDfC: 26/04/2024	Expiry Date: 30/05/2024
Site Visit: 07/05/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey / two storey extension at rear and external alterations

Location: 3 Northurst Drive, Prestwich, Manchester, M8 4LS

Description

The application relates to a two storey red brick semi-detached house with a small single storey outrigger at the rear on a cul-de-sac of similar styled properties. Detached outbuilding at the rear of the back garden. The attached neighbour at No.1 Northurst has a conservatory on the rear, adjacent to the shared side boundary with the site. The unattached neighbour at No.3 Northurst has a single storey extension at the rear.

The proposal involves demolishing the small rear outrigger and constructing a part single, part two storey extension in red brick across the rear elevation. The single storey element would project out 4.5m along the shared boundary with the attached neighbour, running across 3.2m where it forms the two storey element, similarly projecting out 4.5m. The single storey extension would have a mono-pitched roof with a hipped roof over the two storey element. The extension would allow a larger living room and kitchen with a bedroom at first floor.

Relevant Planning History

16/0454 - Erection of outbuilding - 30/11/2016

Publicity

Immediate neighbours notified by letter dated 05/04/2024. One objection from neighbour concerned primarily about the two storey element, stating it would reduce light into their property and change the character of the cu-de-sac.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), 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 PpE 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.

Visual amenity - The extension at the rear of the property would not be readily viewed from the public road although it would be designed in the style of the existing house and finished in red brick and tile to match. The extension would be acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6 Alterations and Extensions.

Residential Amenity - The single storey element would project out along the shared side boundary adjacent to the attached neighbour's conservatory, extending out a further metre. With the neighbour's conservatory in situ, the single storey extension would not have a significantly adverse impact. The two storey extension is set away from the attached neighbour at an acceptable distance and would comply with the 45 degree rule as set out in SPD6. In terms of residential amenity the proposal is acceptable and complies with policy and guidance.

Objection - The objection from the neighbour is considered but as the extensions comply with policy and guidance in terms of the '45 degree rule', the proposal is considered to be

acceptable in terms of residential, amenity and the impact on the neighbour concerned.

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 A101, A102, A103 and A105 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	08/05/2024	DM	- 08/05/2024