

DELEGATED REPORT**Report by** Amanda**Date of report:** 18/02/2022**Ref:**67915/FUL

Uhunmwagho

Registration: 05/01/2022**LDfC:** 04/02/2022**Expiry Date:** 02/03/2022**Site Visit:** 20/01/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Two storey side and rear extension**Location:** 10 Mowbray Avenue, Prestwich, Manchester, M25 0LP**Description**

The application relates to a two storey semi-detached house situated in a short row of three pairs of semi-detached houses on Mowbray Avenue, Prestwich. There is an attached garage structure to the side of the dwelling and along the front garden is a short brick wall and railings. At the rear there is a garden which is landlocked by surrounding houses and there is a single storey extension on the rear elevation.

The proposal is to build a two storey side/rear extension. The side extension would be built flush to the existing front elevation and there would be no first floor set back. It would measure 2.6m wide and 9.27m long. The roof would be pitched. At the rear the extension wrap around part of the rear elevation directly above the existing single storey extension. It would measure 5.6m wide and would project 1.18m from the original rear elevation.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 13/01/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant**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 -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be built with materials and a design that would match the existing dwelling. The quoin design to the front elevation would be considered in-keeping with the existing building as well as neighbouring properties along this road.

Normally a first floor setback to the front of a side extension would be required in order to prevent terracing with adjacent properties. However, in this instance it is felt that as the site is one of three pairs of semi-detached houses long this section of Mowbray Avenue it would be classed as a short row of dwellings and as such terracing would not be a concern in this particular location. As such there would be no significant detrimental effect on the character of the existing street scene.

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 -

- Certificate A has been signed and the plans show that all of the development would be within the applicant's residential curtilage.
- The new first floor bedroom window installed to the front elevation would be a similar distance to properties on the opposite side of Mowbray Avenue as the existing first floor bedroom windows. As such it would be a sufficient distance from those properties not to have any significant detrimental impact on residential amenity.
- SPD 6 states that normally there should be at least 7m from a first floor habitable room window to a boundary in order to retain privacy levels between properties/land. In this instance there would be 6.4m from the new bedroom window which would be considered sub-standard in terms of SPD 6. However, as the area to the rear of the site is very open and many neighbouring gardens are fully visible from the existing property on site it is felt that in this instance even if the extension was reduced in projection to gain the full 7m it would not make any difference to what could be viewed to the rear of the site. As such in this case the reduced distance of 6.4m would be considered acceptable in terms of residential amenity.
- No.12 Mowbray Avenue, attached has a two storey extension to the rear. As the proposed two storey rear extension would not project beyond that extension and it would be built away from the shared boundary there would not be any significant detrimental impact on residential amenity at this property.
- There are no habitable room windows to the side of no.8, unattached to the north and this property has a garage at the side which is built just off the shared boundary. With this in mind there would be no detrimental effect on residential amenity at this 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 separation distance to the surrounding properties.

Parking -

Currently there is a garage attached to the side of the property which is not used as a garage and there is around 3.2m from the front of the garage to the back of the pavement in front. As such the existing drive space to the front of the garage is sub-standard already. Most properties along Mowbray Avenue have very short front gardens and several have drive ways which are a similar length to that on site. Most properties along this road do not have on site parking. Taking this in to account and the fact that there is ample on-street parking already, the property is close to local amenities, schools and transport routes the distance of 3.2m from the front of the extension to the rear of the pavement in front would not have any significant detrimental impact on the existing parking arrangements in this area and as such is considered acceptable in this instance.

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:

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- 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, 002 and 003 received on 21/12/21 and revised drawing numbered 004 rev 1 received on 14/02/22 as modified by the email from Gold Sketch Ltd dated 14/02/22. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 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>
AU - 18/02/2022		DM	18/02/2022