

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/05/2023	Ref: 69506/FUL
Registration: 27/03/2023	LDfC: 27/04/2023	Expiry Date: 22/05/2023
Site Visit: 23/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front extension and single storey rear extension

Location: 45 Hindburn Close, Whitefield, Manchester, M45 8JQ

Description

The property is a two storey town house. It has a single storey flat roofed entrance at the front and a small garden and no off street parking. The side of the house has a timber lean to and to the rear is a fenced garden. The adjoining neighbour is No.43 and has a main window to the party wall side at the rear and fencing separates the gardens. To the opposite side No.47 is unattached and has the same gap and lean to at the side as the site. To the rear the site garden borders the rear gardens to 27 & 29 Hindburn Close.

The application is a resubmission of 68954. The single storey extension at the front was to extend across by 1.3m and the flat roof replaced with a hipped one. It would now extend across by 2m up to the existing side elevation. To the rear the proposal would be as previously with a single storey projecting 3.5m deep across the full width to form a living/dining room and there would be a new kitchen window to the side elevation replacing a door.

Relevant Planning History

68954 - Single storey front extension and single storey rear extension - AC 22/12/2022.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 extended entrance would still be small scale development taking account of the additional 0.7m in width. Other properties in the vicinity have extended and altered the entrances and added hipped roofs and the proposal would not be out of character. To the rear the single storey would have a monopitch roof with doors to the rear elevation. Materials for both extensions would be roof tiles and brickwork to match.

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 site has no off street parking.

Residential amenity - In relation to the adjoining No.43 the proposed extension would project 3.5m deep along the shared boundary and as blank wall. This would be only 0.5m deeper than the 3m SPD6 deems as acceptable and is generally permitted development. The larger homes scheme would also allow a deeper extension where there are no neighbour objections. None have been received in this case.

To the unattached No.47 the proposed extension would be separated by the paths between

both properties and with the main window to 47 located across to the party wall side. It would not encroach a 45 degree line from its mid point.

The proposed kitchen window replacing a door would be added to this side elevation. This type of alteration is generally permitted development and there is fencing between the site and No.47 that provides a level of screening and could be increased to 2m if required.

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.

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 014-00 Rev A, 014-01, 014-02 Rev B 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	04/05/23	DM	05/05/23