

DELEGATED REPORT

Report by Jack Livingstone	Date of report: 16/12/2022	Ref: 68990/FUL
Registration: 17/10/2022	LDFC: 24/11/2022	Expiry Date: 12/12/2022
Site Visit: 06/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side/rear infill extension and Partial garage conversion with roof to existing extension

Location: 36 Ludlow Avenue, Whitefield, Manchester, M45 6TD

Description

The application relates to a semi-detached, two storey dwelling located on a residential street of similar properties. The house has been extended to the side and rear.

Pedestrian and vehicular access is obtained from Ludlow Avenue. The front boundary is demarcated by a low hedge, and both side boundaries by timber fencing with concrete base and posts. A small garden is located at the front of the premises, with a substantial garden to the rear.

No. 38 has been extended by approximately 3.7 meters to the rear. No. 34 has been extended by approximately 2 meters to the side and rear.

Planning permission is sought for the further extension of the existing rear extension, infilling the L-shaped area between the premises and No. 38. These matters are considered below.

The planning application also sought permission to convert the existing garage into habitable space. This work, however, would be entirely internal, thus it is not development requiring planning permission and has not been assessed as part of this proposal.

Relevant Planning History

N/A.

Publicity

Neighbours notified by letter dated 2nd November 2022. No objections received.

Statutory/Non-Statutory Consultations

N/A.

Pre-start Conditions - N/A

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

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 rear extension would infill the existing gap between the premises and No. 38, it would be single storey with a flat roof and would not be visible from the street. A skylight would be added on the flat roof of the existing rear extension. The main body of proposed extension would be 5.35 meters x 2.03 meters, the smaller section would be 1.4 meters x 0.77 meters.

- The proposed rear extension is considered to be of a suitable scale and massing.

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- The proposed door and window are considered to be of suitable scale and alignment.
- The proposed flat roof would reflect the style of the existing extensions to the property.

It is considered that the combined overall impact of the proposed extensions would not overwhelm the existing dwelling or appear incongruous within the streetscape.

Finishing materials are acceptable and are in keeping with the house and the character of the area.

The proposal is therefore considered to comply, in terms of visual amenity, with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposed extensions on the residential amenity of neighbouring properties.

- The proposed rear extension would project approximately 1.2 meters beyond the rear of No. 38, as extended, along the shared boundary. This is considered modest and would not cause any concerning overshadowing. As the proposals would not extend 3 meters beyond No. 38's extended rear elevation no assessment against the 45 degree line is required.
- No side windows proposed.

The proposal is therefore considered to comply, in terms of residential amenity, with UDP Policy H2/3 and SPD 6.

Parking

- Drive of 7 metres can be provided exceeding the 5.5 metres required by SPD 6.
- The single space within the site is appropriate for parking and site is located in a sustainable location in terms of public transportation provision.

The proposal is therefore considered to comply, in terms of parking, with UDP Policy H2/3 and SPD 6.

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 2020-1476-P-101, 2020-1476-P-102, 2020-1476-P-103, 2020-1476-P-104, 2020-1476-P-105, and 2020-1476-P-106 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u> JAL 16/12/22	<u>Date</u>	<u>Sign off Officer</u> DM 16/12/22	<u>Date</u>
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