

DELEGATED REPORT

Report by Amanda

Date of report: 19/01/2022

Ref:67780/FUL

Uhunmwagho

Registration: 17/11/2021

LDfC: 09/12/2021

Expiry Date: 12/01/2022

Site Visit: 17/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side/rear; Raised patio with glass balustrade and steps to garden level at rear; New front porch

Location: 36 Agecroft Road East, Prestwich, Manchester, M25 9RT

Description

The application relates to a two storey semi-detached house which fronts on to Agecroft Road East with Hollyedge Drive to the east. There is a single storey front/side extension to the main dwelling and the site is considerably higher to the front compared to the rear. There is a drive way to the front of the dwelling providing on site parking for one vehicle.

The proposal is to build a two storey extension to the side/rear, raised patio with glass balustrade and steps to the garden level at the rear as well as a new front porch.

The extension would project 3.51m to the side of the existing property and it would have an overall length of 10.53m. At the rear it would project 3.5m from the existing rear elevation and would measure 8.95m wide. At the rear the two storey element would measure 5.65m wide and would be around 3.26m away from the shared boundary with the attached property. The two storey extension would have a pitched roof and the roof to the single storey would be flat.

In addition to the extension there would be a new patio area created at the building level. This would project 2.46m from the rear of the extension. It would have a glazed balustrade overlooking the rear garden with steps leading down to the garden level on the east side. The site plans show that the new fence erected to the patio area, along the shared boundary with the attached neighbour would measure 1.8m high.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 18/11/21 - One objection received. The objection is shown below.

This is not an objection to the whole build and relates only to the part of the build adjacent to our property. We feel that the rear extension, by projecting as far as it does, will have an adverse effect on the amount of light we get in our rear lounge and the outlook from the windows/ doors will be impacted as we will be looking out at brick walls. This is the part of the house that we spend most of our time in when we are not at work and so is important to us.

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 be considered to be in keeping with the existing building and the bay windows to the front elevation would reflect the existing bay windows on the front elevation.

SPD 6 states that extensions adjacent to a highway should be set back at least 2m from the boundary. However every site is assessed on its own merits and a lesser set back may be acceptable in some cases. In this instance part of the front of the extension would be just under 2m from the boundary (around 1.81m) but the majority of the building would be set back by 2m. In this instance given that the property is set well back from the highway in front and away from the junction with Hollyedge Drive and most of the extension would be set back by 2m or more, the proposal is considered acceptable in this location.

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 -

- Properties to the front of the site would remain over 20m away from the extended property and there would be around 6m from the front of the bay window to the front boundary.
- There would be over 13m from the side elevation to the side elevation of 38 Agecroft Road East. There is a road in between the two properties. As there are no habitable room windows to the side of no.38 and there would be no habitable room windows to the side of the extension this distance would be acceptable in terms of SPD 6.
- The rear elevation of the extension would be just over 10m away from the side elevation of 2 Hollyedge Drive. The two storey extension would be around 7.8m from the rear boundary which would be inline with recommendations as set out in SPD 6 and any views from the new rear first floor windows would be over the drive way and front garden only of this property. There are no habitable room windows to the side of 2 Hollyedge Drive.
- The new patio area to the rear would be constructed so that it would be level with the property. Views from the new patio area would be similar to views from the existing patio on site. The plans also show that a 1.8m high fence would be erected to the patio along the shared boundary with the attached neighbour. Taking this in to account there would be no significant detrimental impact on privacy levels at neighbouring properties and gardens. A condition would be attached to the decision advising that the 1.8m high fence should be maintained at all times.
- The single storey rear extension would project around 800mm past the rear elevation of the single storey extension at no.34 next door. As such it is considered there would be no significant detrimental effect on the rear ground floor window at no.34 next door.
- The two storey extension would be built away from the shared boundary with no.34 and the 45° rule would be satisfied with regards to the first floor habitable room window on the rear elevation of no.34.
- The total projection of the extension and new patio including fence would be 3m past the rear elevation of the single storey extension at the attached property. This would be acceptable in terms of SPD 6.
- The applicant has signed certificate A advising that all of the development would be within the site boundaries and there would be no encroachment to the neighbouring properties or highway.

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 and the 45° rule from nearest relevant window of the adjacent property.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has an area at the front for parking a vehicle and this would remain following the side extension which would be set back from the front of the property. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The neighbour objections have been addressed in the report above.

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 001 and 002 received on 11/11/2021, drawing numbered 003 rev 2 received on 17/11/2021 and revised site plans numbered 004 rev 2 received on 05/01/2022 as modified by the email from Gold Sketch Studios Ltd dated 05/01/2022. 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.
- 4 Before the first occupation of the extension and raised patio hereby permitted the fence along the shared boundary with 34 Agecroft Road East shall be erected to a height of 1.8m as shown on the approved plans and shall be permanently retained thereafter unless otherwise approved in writing by the Local Planning Authority.
Reason. To protect the privacy of adjoining occupiers and to accord with 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 - 19/01/2022			