

DELEGATED REPORT

Report by Amanda

Date of report: 23/11/2023

Ref:70169/FUL

Uhunmwagho

Registration: 16/10/2023

LDfC: 20/11/2023

Expiry Date: 11/12/2023

Site Visit: 08/11/2023

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 extension; Single storey rear extension

Location: 29 Oaklands Drive, Prestwich, Manchester, M25 1LJ

Description

The application relates to a two storey semi-detached property situated on a corner plot where there is a large garden area to the front and a much smaller triangular rear garden. Along the front boundary there is a short brick wall with pillars to a pedestrian gate to the front and the drive is open to the highway in front. There is an existing detached garage which would be removed to complete the development with parking for 2 cars in front.

No.27 Oaklands Drive next door has a large two storey flat roof extension which has been built right up to the shared boundary and there are no windows in the side elevation adjacent to site.

At the rear of the property is a triangular garden with fences to both boundaries and trees to the end of the garden. There is a small patio area and the attached property has a single storey extension adjacent to the shared boundary.

The proposal is to build a two storey side/rear extension and a single storey rear extension. At the rear the single storey extension would project 1.8m from the original rear elevation and it would measure 3m wide. The roof would be mono-pitched and the side elevation would be around 300mm away from the shared boundary with the attached neighbour.

The overall width of the rear extension would be 10.4m and the roof to the rear would be mono-pitched with a small area of flat roof to the south side. The front elevation of the side extension would be angled to match the existing building. The roof would be pitched.

Relevant Planning History

02852/E - Three floor extension to rear elevation to extend living room and bedroom 2 and form new bedroom 4 at second floor level. - Enquiry completed 14/06/2023

Publicity

8 neighbours notified on 30/10/2023 - 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 application property has an unusual design due to the corner plot it is located on. As viewed from the front the side extension would have a pitched roof which would be lower than the existing ridge on the house.

There is a small area of flat roof to the rear which would be marginally visible due to the angle of the property. This would only be seen when the property is viewed from the south and given that there is a large two storey flat roof extension at no.27 next door its impact on the character of the streetscene would be minimal and would not warrant refusal.

At the rear the two storey extension would have a pitched roof with a small dormer and the single storey extension would also have a flat roof. This part of the development would not be visible in the public realm.

Overall the design and finished materials would be considered to be in keeping with the existing building and would not have any significant detrimental effect on the character of the existing streetscene.

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 -

- At the rear the new first floor bedroom window would be at least 7m to the rear boundary, which would be acceptable in terms of SPD 6.
- The southern side of the two storey extension would be 900mm away from the shared boundary with no.27 Oaklands Drive nextdoor. No.27 has a garage directly adjacent to the shared boundary and a two storey flat roof side extension with no windows in the side elevation facing the site. There would be no windows in the proposed extension which would face this property.
- The attached property (no.1 Hill Top Avenue) has a single storey rear extension adjacent to the shared boundary. As such the proposed two storey rear extension would not have any significant detrimental effect on residential amenity at this property.
- The front elevation would not project forward of the main front elevation. As such it would not have any significant detrimental impact on the existing parking arrangements within the site.
- On the front elevation there would be a utility room window at ground floor and a bedroom window to the first floor. Although the distance to the front boundary would be less than 7m views from the bedroom would be over the highway only and as such would not have any significant detrimental effect on residential amenity at properties on the opposite side of Oaklands Drive.
- The removal of the existing garage and replacement paving to the rear garden could be completed as Permitted Development and as such would have no bearing on the decision.

Taking the above into account 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 distances to surrounding properties.

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 two vehicles and this would remain following the side extension being built. There are no parking restrictions to the highway in front and the

area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 2023/09/01, 2023/09/02 Revision A, 2023/09/03, 2023/09/04, 2023/09/05, 2023/09/06, 2023/09/07, 2023/09/08, 2023/09/09, 2023/09/10 and 2023/09/11 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 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 - 23/11/2023			