

DELEGATED REPORT

Report by Tom Beirne	Date of report: 27/09/2022	Ref: 68567/FUL
Registration: 17/06/2022	LDfC: 28/08/2022	Expiry Date: 12/08/2022
Site Visit: 03/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at front; Part single/Part two storey extension at side; Alteration to existing access and parking.

Location: 49 Scholes Lane, Prestwich, Manchester, M25 0AY

Description

The application relates to a red brick two storey semi-detached house on a residential road of similar styled properties. The house has a main pedestrian and vehicular access onto the access road to The Residences, the gated residential development is situated to the rear. The main garden is situated behind a high hedge along Scholes Lane around the corner towards the residences.

There are two main elements to the development.

A two storey extension across the east elevation facing the access road to The Residences. This would extend out 3.4m and run across the house 12.3m, parallel to the access road. It would have a small setback at first floor on the south side.

The second element would be an extension that runs across the north elevation and extending out 4.5m. It would be two storey in the north east corner and drop down to single storey in the north west corner, adjacent to the shared boundary with No.47 Scholes Lane. The roof would be hipped and carried over onto the existing roof. The extensions would be rendered and the roof finished in slate. The parking area/driveway at the front would be extended to facilitate the parking of two cars and would be constructed in porous tarmac.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letters dated 15/07/2022 and 26/07/2022. Comments received from The Residents relating to the wall along the access road. They state that they own most of the wall and would object to it being removed. They do not object to the removal of the small section of wall belonging to the applicant, adjacent to the existing parking area.

Some concern over arrangements for construction traffic and parking during construction.

Revised plans have been submitted that address these concerns. The revised plans indicate only that part of the wall owned by the applicant would be removed to provide a wider driveway with a visibility splay.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

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 - The extensions are sizeable but are considered to be in keeping with the existing house and would not appear particularly incongruous within the streetscape. The existing boundary hedging allows a significant degree of screening around the site and would effectively screen much of the extension from Scholes Lane. Whilst the finish in render is different to the red brick of the existing house, the immediate and attached neighbour is also rendered. As such the render would not appear out of keeping. The

proposal is considered to be acceptable and complies with UDP Policy and guidance.

Residential amenity - That part of the extension adjacent to the shared boundary with the attached neighbour is single storey flat roof with a central roof lantern. Whilst the extension runs more than 4.5m adjacent to the shared boundary with No.47, it is flat roofed and would be to the east of the neighbours garden. It would not have a significantly detrimental impact on the neighbours amenity and it is noted that this neighbour has not objected. Under the current 'larger homes' legislation, this single storey extension would be acceptable.

The two storey element on the north elevation is situated 3.6m away from the shared boundary. At this distance the two storey extension complies with the 45 degree rule as set out in guidance and as such this is considered a sufficient distance from the attached neighbour that it does not present an amenity issue. There are two obscure glazed WC/bathroom windows proposed on this boundary and a condition would ensure these are maintained in such a condition to avoid overlooking.

There is a block of garages along the rear boundary that is shared with The Residences and as such there are no issues arising with the residents. The proposal is considered to be acceptable and complies with UDP Policy H2/3 and guidance in terms of residential amenity.

Parking and access - The existing access/driveway would be widened to allow two parking spaces to be provided on the frontage which is an improvement over the existing situation and considered to be acceptable and compliant with UDP Policy H2/3 and guidance on domestic extensions and parking standards.

Public comment/Objection - The main issue raised by the representative of The Residences has been addressed by the revision of the scheme to only include that part of the boundary wall owned by the applicant to be removed to facilitate the parking area/driveway. Other issues such as construction traffic would be a matter for the highways authority as the access road is an adopted highway. It is considered appropriate to attach a condition requiring a specific area to be allocated for material/equipment storage. If on site parking is not available during the construction period, the onus would be on the applicant/car users to park legally within the surrounding area without causing detriment to highway safety.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 22-36-01, 02 and 03 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 revised parking arrangements indicated on approved plan reference 22-36 03B, incorporating the provision of footway crossing extension, widened/retained hardstanding a minimum of 5.0m in length measured from the back of the adopted highway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated highway remedial works that may be required to reinstate the highway to its former condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: To ensure good highway design, allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway in the interests of highway safety pursuant to UDP Policy H2/3 and associated guidance.

- 4 All construction materials/equipment shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The storage facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials/equipment for the duration of the construction period.

Reason: To ensure adequate off highway materials storage arrangements for the duration of the construction period pursuant to UDP Policy H2/3 and associated guidance.

- 5 Before the first occupation of the extension hereby permitted the WC/bathroom windows on the west elevation of the extension (north side) shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

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>
Tom Beirne	27/09/2022		