

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/09/2022	Ref: 68702/FUL
Registration: 25/07/2022	LDfC: 13/09/2022	Expiry Date: 19/09/2022
Site Visit: 13/09/2022	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 extension at side/rear; Raised decking at rear

Location: 152 Albert Avenue, Prestwich, Manchester, M25 0HE

Description

The property is a two-storey brick built semi-detached dwelling. It has a single storey outrigger to the outer side of the rear elevation. The property also has a basement which has a door and window below the rear ground floor window. A patio leads out from this and then steps up to a further patio and garden.

The adjoining neighbour is No.150. It has the same ground main ground floor window to the party wall side and a lean to glazed structure sits to the front of this. Adjacent is a single storey outrigger.

To the opposite side No.154 is the unattached semi and has been extended single storey at the side and rear. The side elevation is blank wall, the rear elevation has a window and door and steps down to the garden at a lower level.

The application proposes a single storey side/rear extension along with the installation of a decking platform to the rear which would project 2.4m from the edge of the kitchen and raised 1.15m from the ground. The single storey side extension would project 1.1m to the side and extend 7.5m to rear to align with the existing rear kitchen boundary. The proposed extension would have pitched roof and two obscure windows on the side.

Relevant Planning History

02009/E - Two storey rear extension - 1 level at basement and 1 level at ground floor - Enquiry completed 09/08/2017

51917 - SINGLE STOREY EXTENSION TO SIDE/REAR - Approve with Conditions 11/01/2010

61884 - Two storey extension at rear (basement & ground floor level) with part single storey element, installation of light-well at side and external alterations - Approve with Conditions 12/10/2017

Publicity

Neighbours notified on 22/08/2022. No representations 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.

Located to the side/rear the single storey extension and the decking are not visible from the main street view. The design and materials of the extension would match the existing dwelling. The materials used for the decking would also be typical for a domestic property in this area. Furthermore, the neighbouring properties No. 154 and No. 158 have installed a

similar raised decking and both without screening. 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.

Residential Amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The decking area is acceptable in relation to neighbouring No. 154 as it complies with the 45-degree rule within SPD6. Additionally, this neighbouring property has installed a similar decking platform without screening, therefore this development would be acceptable.
- There would be no impact on property No.150, given the location of the proposal.
- The proposed side extension would not project beyond either the front or rear building lines and therefore the 45-degree rule is not applicable here.
- The two windows on the proposed side extension would both be obscure.
- There have been no objections received from any of the neighbours.

Overall, the proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 001, 002, 003 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.
- 4 The windows subject to this application shall remain obscure glazed.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

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<u>Case Officer</u> MW	<u>Date</u> 15/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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