

DELEGATED REPORT

Report by Amanda

Date of report: 20/01/2021

Ref:65964/FUL

Uhunmwagho

Registration: 21/09/2020

LDFC: 15/10/2020

Expiry Date: 16/11/2020

Site Visit: 15/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 4 Lichfield Drive, Prestwich, Manchester, M25 0HX

Description

The application relates to a two storey red brick semi-detached house on a residential road of similar properties. The house, as with the neighbours either side has a small single storey outrigger at the rear.

The lounge/kitchen extension would project out 3m along the shared boundary with the attached neighbour at No.2 Lichfield before it is angled in 45 degrees a further 1m. It would extend 6.1m, across the width of the rear elevation and enclose the single storey outrigger. The flat roof would have an eaves height of 3.1m with a central succah rooflight taking the height up to 3.6m. The extension would be finished in brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 05/01/2021. Objections received from the neighbours on either side (Nos.2 and 6 Lichfield) - summarised below:

Original proposal

- The extension contravenes the 45 degree rule and would considerably reduce the daylight at the rear of our house.
- At 4M long the extension would consume approximately two thirds of what is already a small garden, leaving only 2M.
- The height of the roof is shown as 3.0M in the plans, however I measure it at 3.4M and with the raised glass section it could well exceed 4M.
- Extension would block light.
- The style of the extension with the flat roof does not respect the character and size of the original house and the other houses in the area.
- If all the houses nearby had similar large extensions then there would be no gardens in what is already a built up area.

Revised proposal (with chamfer)

- With regard to the revised plans submitted the proposed minor change does nothing to address any of our concerns and the extension would still breach the 45 degree rule in both plan and elevation. Our house and garden would be next to an imposing wall with an area of over 10 sqM which will block a lot of daylight and be an eyesore. We have also noticed that the new plans show a fan on the 45 degree angled wall which would direct noise and kitchen extract directly in to our garden.

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
EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework

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 extension is single storey and at the rear, would not be readily viewed from the public arena. In terms of design and appearance, although with a flat roof, it would

not be out of keeping with the existing house. Flat roof extensions are fairly common in the area, particularly in the light of cultural/religious needs and there is also the 'permitted development fallback' which would allow a 3m extension. The extension complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions.

Residential amenity - The attached neighbour at No.2 Lichfield and to the south of the site has lounge windows/patio doors adjacent to the boundary with the applicant's house. With regard to this neighbour, the revised plan indicates a projection along the shared side boundary of 3m after which the outer wall would be chamfered in at 45 degrees for a further 1m. This complies with the Council's guidance within SPD6. Although the rear garden/yard areas of this and neighbouring properties are limited in size, given the 'permitted development' fallback with regard rear extensions, the additional 1m with the chamfer would not warrant refusing planning permission in this case.

The neighbour at No.2 is also concerned about the flue on the chamfered part of the extension. Given the outlet would be within the applicants land and with existing environmental health regulations in place, this is again, not a reason to refuse permission.

The unattached neighbour (No.6 Lichfield) to the north has a small outrigger at the rear, closest to the boundary with the site with kitchen windows looking into the rear garden. The lounge windows are on the far side of the elevation. As the extension would not extend more than 3m from rear of the outrigger and the kitchen windows, the relationship is considered acceptable in terms of the Council's adopted guidance and residential amenity would not be seriously impacted.

With regard to the amount of garden remaining within the site, whilst this would not be a large area, on balance it is considered that it would be sufficient to afford some amenity, store refuse and dry clothes and therefore not a valid reason to refuse planning permission.

The extension would therefore be acceptable and comply with UDP Policy H2/3 and SPD6 in relation to residential amenity.

Objections - The concerns of neighbours have been addressed in the above report.

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 revised drawings received 22nd December 2020 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU/TB	20/01/2021		