

DELEGATED REPORT**Report by** Amanda**Date of report:** 14/03/2023**Ref:**69225/FUL

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Registration: 09/01/2023**LDfC:** 10/02/2023**Expiry Date:** 06/03/2023**Site Visit:** 03/02/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:****Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: Front porch; two storey extensions at side / rear and new front bay extensions; creation of new vehicular access measuring 4.5m wide and reinstatement of the existing footway crossing.

Location: 9 Chatsworth Avenue, Prestwich, Manchester, M25 1LZ

Description

The application relates to a two storey, bay fronted semi-detached dwelling which is currently derelict. Part of the side elevation has been removed at first floor level and to the rear it appears a conservatory has been previously removed and openings at the rear are currently boarded up. Any planting that was in the rear garden has been removed and the land has been cleared. There are fences to the rear and east side boundary. Any fence to the shared boundary with the attached neighbour has been removed. There is a dilapidated red brick wall along the front boundary which has railings on top of part of it.

The proposal is to build a front porch, two storey extensions at side / rear, new front bay extensions, creation of new vehicular access measuring 4.5m wide and reinstatement of the existing footway crossing.

At the front of the dwelling the existing bay windows would be removed and new ones built to both sides of the front elevation, with the entrance door positioned centrally. The extension would project 4.61m to the side and it would measure 9.65m long. It would measure 10.5m across the rear elevation and the projection to the rear would be 2m from the original rear elevation.

At the front of the site a new vehicular access would be created to the west side of the site, adjacent to the shared boundary with no.11 Chatsworth Avenue, and the kerb in front dropped. The existing dropped kerb would be reinstated and the front boundary wall would be built up where the existing vehicular access is.

Relevant Planning History

N/A

Publicity

Neighbours notified on 20/01/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - Not relevant.

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.

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 development would be constructed using materials and a design that would be considered to be in keeping with the existing property. The bay windows to the front would reflect the character of the existing property, as well as remaining similar in design to other properties along Chatsworth Avenue. The boundary wall to the front would be rebuilt in the same design as the existing wall.

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 and rear would be a sufficient distance from the extended property not to have any significant detrimental effect on residential amenity at those properties.
- Planning permission has been recently granted at 11 Chatsworth Avenue, attached to the west, which includes a single storey rear extension projecting 3m from the original rear elevation. With this in mind the proposed two storey rear extension projecting 2m adjacent to the shared boundary would be considered acceptable in terms of SPD 6 and it would not have any significant detrimental effect on residential amenity at the rear of no.11 next door.
- No.7 to the east has been heavily extended and there are no windows in the side elevation adjacent to the shared boundary. As there would only be one non-habitable room window and a door to the side elevation there would be no significant detrimental impact on privacy levels between the two properties.
- The plans show that the whole of the development would be built within the curtilage and therefore there would be no concerns regards encroachment.
- There would be at least 7m from the first floor bedroom windows in the rear elevation to the boundary, which would satisfy the requirements of SPD 6.
- The two storey extension would project around 1.5m past the rear elevation of no.7 next door. As there are no windows to the side or rear elevations of no.7 close to the site boundary, and just two doors to the ground floor it is considered that the development would not have any significant detrimental impact on residential amenity at this property.
- The proposal to relocate the vehicle access at the front so that it would be adjacent to the shared boundary with no.11 would not have any detrimental impact on residential amenity at the neighbouring property.
- It is noted on the proposed drawing that the area to the front of the dwelling would be constructed using permeable materials which would help to prevent any future flooding. As such it would be acceptable in terms of SPD 6.

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.

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 would have a drive way for two vehicles and there are no parking restrictions to the highway in front. The area is also 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 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 drawing numbered 9/CA/REV C received on 09/03/2023 as modified by the email from Northside Plans Ltd dated 09/03/2023. 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 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 5 The revised access and car parking arrangements indicated on approved plan reference 9 CA Revision B, incorporating the reinstatement of the redundant footway to adjacent footway levels along with replacement boundary treatment abutting the former access position to prevent vehicle encroachment of the footway, new double footway crossing to limits to be agreed with the Highway Authority, all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, demarcation of the limits of the adopted highway and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the extension and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU	14/03/2023	DM	15/03/23

