

DELEGATED REPORT

Report by Amanda

Date of report: 07/10/2022

Ref:68754/FUL

Uhunmwagho

Registration: 05/08/2022

LDfC: 27/09/2022

Expiry Date: 30/09/2022

Site Visit: 12/09/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extensions at side and rear

Location: 129 Albert Avenue, Prestwich, Manchester, M25 0HF

Description

The application relates to a previously extended two storey semi-detached property. There is a single storey extension that wraps around the front, side and rear of the building , as well as a timber Succah structure to the rear. There is a single drive way to the front of the property and to the rear there is a patio area with steps leading up to the main garden area. There are fences to all boundaries.

The proposed extension would be built above the existing single storey extensions and would replace the existing timber structure at the rear. At the front the first floor would be set back 1.5m from the original front elevation of the dwelling. The extension would have an overall length of 12m at ground floor level and 9.5m at first floor.

To the rear the two storey section would project a maximum of 3m from the original rear elevation and it would be stepped back to a 2m projection adjacent to the shared boundary with no.131 Albert Avenue (attached). The roof would be pitched to the front and hipped at the rear.

Relevant Planning History

N/A

Publicity

Objections on following grounds:

- Title plans are inaccurate and includes lands owned by 127 Albert Ave.
- Proposal builds through and destroys boundary including fence owned by 127 rather than building to abut party wall.
- Existing side extension built as utility space (not habitable room) without support for 2nd story. Would need to be rebuilt within 129 original title lands.
- Roof line to be considered as appropriate due to lack of design language in street.
- Should 127 extend to same lines, would create terrace due to proximity of build to neighbourly boundary lines.
- Would eject further than 1m from rear of 127.
- Loss of light to 127.
- Loss of privacy to 127 garden and side (bathroom window and 2nd story rear windows).
- Guttering and window shown in plans to sit within 127 Albert Ave and not set back from boundary.
- Proposal cannot be built from within 129 land.

We ask proposal is reconsidered and moved away from the boundary in line with council

guidelines

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. 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 extension would be built with materials and a design that would be considered to be in keeping with the existing building and the 1.5m set back at first floor level from the original front elevation means the proposal is considered acceptable in terms of 'terracing' and the effect on the 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 of the dwelling there would be around 11.6m from the rear elevation to the rear site boundary. This distance would be more than sufficient in terms of SPD 6 and there would be no significant detrimental effect on residential amenity at properties to the rear.
- The rear elevation would project past the attached neighbour's single storey rear extension by approximately 330mm which would be in line with the requirements of SPD 6.
- The agent has confirmed via email (dated 21/09/2022) that the whole of the development would be built within the site boundary and the proposed first floor windows in the side elevation would be obscurely glazed and the top opening sections would open inwards. This has been annotated on the revised proposed plans and a condition would be added to the decision to ensure those windows would remain obscurely glazed and inward opening at all times in the future. This would be acceptable in terms of SPD 6 and it is considered there would be no significant detrimental effect on residential amenity at no.127 Albert Avenue next door.
- There would be sufficient distance to properties at the front of the site that there would be no significant detrimental effect on residential amenity at those properties.
- There is an existing ground floor extension that projects forward of the original front elevation. There would be no change to this part of the existing building.

With the above in mind proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Parking -

The proposal would increase the number of bedrooms from 3 to 5 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 a single drive space to the front, albeit of sub-standard length at 4.8m. The proposed extension would be built above the existing single storey side extension and as such the existing drive length would not change. It has been noted that the area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

One of the objections received was that the extension would create a terrace effect at the front as the original proposed plans did not show the full 1.5m set back, as set out in SPD

6. The agent went on to provide revised plans showing a first floor set back of 1.5m. As this would be in line with the requirements set out in SPD 6 it is considered that there would not be any concerns regards terracing with the adjacent property and as such there would be no significant detrimental impact on the character of the existing street scene.

The agent has confirmed that there would be no encroachment on to land at 127 Albert Avenue and certificate A has been submitted with the planning application. This is all that is required in terms of processing the planning application. If there are any boundary concerns then this would be a private matter that would need to be discussed between the relevant parties.

In terms of the neighbour's concern about loss of light and privacy the property is positioned to the north east of no.127 and the application dwelling is positioned parallel to that property meaning there is possibly some existing detrimental impact on light to the side of no.127 only. If the side extension is built it would bring the side of no.129 Albert Avenue closer to no.127 but any impact on light would still only be to the area at the side of no.127 where there is no usable amenity space and no habitable room windows in the side elevation. With this in mind less weight would be given to this part of the neighbouring property and it would be considered that the proposed extension would be acceptable in terms of SPD 6.

As the proposed extension would only project around 500mm beyond the rear elevation of no.127 and there would be a gap of around 2.4m from the boundary fence to the side of no.127 there would not be any seriously detrimental effect on light to the rear garden next door.

In terms of privacy the proposed upper floor windows in the side elevation would be obscurely glazed and would have top opening sections which would open inwards. With this in mind there would be no encroachment over the shared boundary and no significant detrimental effect on privacy levels between the two properties.

Any structural concerns would be assessed as part of the Building Regulations application.

The neighbour has stated that the proposal cannot be built from within the site. This would be something that the applicant may need to consider and if they needed to use land not in their ownership they would need to seek permission from the relevant person. This would be a civil matter and has no bearing on the decision.

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.

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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered JC_128-A1.1-PL1 received on 08/08/2022 and revised drawing numbered JC_128-A1.2-PL2 received on 21/09/2022 as modified by the email from JC Design dated 21/09/2022. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU 07/10/2022			