

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/04/2024	Ref: 70537/FUL
Registration: 20/02/2024	LDfC: 19/03/2024	Expiry Date: 16/04/2024
Site Visit:	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: Part single, part two storey side/rear extension

Location: 15 Windsor Avenue, Whitefield, Manchester, M45 6AZ

Description

The property is a two-storey semi-detached dwellinghouse, situated on Windsor Ave in the Whitefield area. The dwelling has a garden and drive to the front along with a larger garden to the rear. The attached property is No. 17 and No.13 is situated on the opposite side. To the rear the site shares boundary with No. 24 Thatch Leach Lane.

Planning permission is sought for the erection of a part single, part two-storey side/rear extension at the rear of the property. The single storey element would project 3m to the rear followed by a splayed corner extending 0.75m at an angle, before running to the side to effectively align with the principal rear elevation. The extension would infill the existing enclave on the ground floor to be flush with the existing side. The two storey element would only project 2.4m to the rear. .

The proposal would accommodate a bedroom extension on the first floor while extension the existing dining room on the ground floor. The proposed development would have flat roof above both levels and the use of matching materials would be utilised.

Relevant Planning History

70172 - Two storey rear extension - Refused 20/12/2023

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Situated to the rear, the proposed development would not be visible from the street scene at the front of the house. The part single, part two-storey extension would be a modest structure that would infill the existing enclave to rear to effectively align this section with rest of the existing rear elevation on the ground floor. The first floor segment would only protect 2.4m. The development would have a flat roof that would be in keeping with the existing dwelling.

Overall, the proposal is considered acceptable, in keeping with the existing property and would be constructed using matching materials. As such, there would not have any

detrimental impact on the visual amenity of the area.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed part single, part two storey side/rear extension would project a black wall to the side.
- The extension would not project beyond the principal side and rear elevations on both the ground floor and first floor.
- There would be sufficient distance to the rear boundary.
- The development has reduced the projection of the first-floor element from 2.6m under previous application to 2.4m on this application. While the difference may not be enormous, it however appears to make a difference. The development would no longer encroach the 45° rule when taken from the adjacent neighbouring property due to the slight reduction in length on the first floor and the splayed corner on the ground floor. As such, any overshadowing would not be as excessive as previously.

The proposal 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 the drawings received on 20/02/2024 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	15/04/2024	DM	16/04/2024