

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/03/2023	Ref: 69261/FUL
Registration: 20/01/2023	LDfC: 21/03/2023	Expiry Date: 17/03/2023
Site Visit: 22/02/2023	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 rear extension with raised patio

Location: 10 Egerton Street, Prestwich, Manchester, M25 1FS

Description

The application relates to a two storey red brick semi-detached house on a residential road of similar styled properties. The house has a two storey outrigger at the rear. No.8 has a kitchen window closest to the shared side boundary and a timber gazebo adjacent to the existing outrigger. The shared boundary between No.8 and No.10 is a 1.6m high timber fence (see photos).

The proposed single storey extension would project out 4m from the end of the existing two storey outrigger adjacent to the shared boundary with No.8 Egerton to the south and with a gap of 1.8m to the boundary with No.12 on the other side. It would be 2.8m wide with a flat roof with central lantern. It would accommodate a day room and be finished in red brick to match the house.

There would be a raised decked area, 300mm above ground level, extending 3m out from the extension. To retain a degree of privacy, it is proposed to erect a 2m high timber screen fence along that part of the boundary with No.8 Egerton which is adjacent to the decked area.

Relevant Planning History

N/A

Publicity

Neighbours notified by letter dated 25/01/2023. One representation from neighbour at No.8 Egerton.

- Has consideration been taken into of the 45/25 degree rule, during the planning, to check if light will affect adjacent properties due to the fact the extension is an addition to the property that already has a two story extended part that protrudes 4 meters beyond the line of all other properties.
- How high above ground level does the raised patio become against the current fence line and what is the end state of the fence next to the toughened glass balustrade. Has consideration been taken into for privacy.

An email was sent with revised plans to the neighbour at No.8 on 14/03 giving a further 7 days for comment. No further comments have been 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 - The proposed single storey extension is modest in scale and generally not out of keeping with the design of the existing house. Located in the rear garden, would not be visible from the public arena. In terms of visual amenity, the proposal is considered to be acceptable and complies with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

Residential amenity - The proposed single storey flat roof extension at the end of the existing two storey outrigger would not present such a prominent form along the shared boundary with No.8. It would be 3m high and situated to the north of No.8 so it is not considered that there would be any significant overshadowing of the neighbours garden. Set off the boundary with the attached neighbour at No.12, the impact of both the extension and decked area would be limited.

Due to the raised decking, revised plans indicate that the fence along the shared boundary with No.8 would be replaced with a higher fence (2m). This would help avoid direct overlooking from the decked area.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 Extensions and Alterations and SPD6.

Neighbour comment - The comments of the neighbour have been taken into consideration and the proposal includes a new timber screen fence along the length of the decked area to reduce direct overlooking of No.8. Comments with regard to the impact on light are relevant but given the height of the extension and the fact that it would be to the north of No.8, the impact would be limited.

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 drawings numbered FO12225801/1, 2A and 3A 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.
- 4 The proposed screen fence indicated along the shared side boundary with No.8 Egerton Road, adjacent to the patio area shall be erected and maintained in situ prior to the first use of patio.
Reason. To reduce overlooking in the interests of residential amenity pursuant to UDP Policy H2/3 Extensions and Alterations and guidance in SPD6.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/03/2023	HL	22/03/23