

DELEGATED REPORT

Report by Tom Beirne	Date of report: 21/05/2025	Ref: 71730/FUL
Registration: 27/03/2025	LDFC: 05/05/2025	Expiry Date: 22/05/2025
Site Visit: 20/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Retention of raised decking at rear

Location: 58 Heys Road, Prestwich, Manchester, M25 1JY

Description

The house is a two storey semi-detached property on a road of similar styled houses. Properties on either side have been extended at the rear and there a Prestwich Cricket Club at the rear.

It is proposed to retain the decking adjacent to the rear elevation. It would run 5m across, immediately in front of the patio doors and project out 1.5m with a decking level 600mm above the existing ground level.

Properties on either side have single storey extensions adjacent to the boundary with the site.

Relevant Planning History

02693/E - Installation/addition of a balcony at rear - Enquiry completed 20/01/2022

68157 - First floor balcony at rear - Approved with Conditions 11/05/2022

Publicity

Immediate neighbours notified by letter dated 09/04/2025. 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 - The decking is not visible from the public arena and is very modest in scale and appearance. In terms of visual amenity, the decking is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - With single storey rear extensions on the rear of neighbours on either side, there are no direct overlooking issues arising from the decking. It is noted that there are no objections from the neighbours on either side. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

Recommendation: Approve with Conditions

Conditions and Reasons:

This decision relates to drawings received 18/03/2025 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

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pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	21/05/2025	HL	22/05/25