

DELEGATED REPORT

Report by Amanda

Date of report: 28/10/2024

Ref:71188/FUL

Uhunmwagho

Registration: 23/09/2024

LDFC: 24/10/2024

Expiry Date: 18/11/2024

Site Visit: 14/10/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey wraparound extension.

Location: 15 Hampden Road, Prestwich, Manchester, M25 1LQ

Description

The application relates to a two storey semi-detached house which is raised in level compared to the highway in front. At the front there is small garden area with a brick wall with railings along the front boundary. There are pedestrian steps leading upto the house and to the side there is a steep driveway leading to a pair of detached garages at the rear of the site. One belonging to the applicant and the other to the owner of no.13 Hampden Road next door. The driveway in between the two properties in a shared access with no.13.

At the rear the site is mostly paved with a small area of grass to the end of the garden. There is a high wall along the shared boundary with no.17 and a fence to both the rear and north side boundaries.

The proposal is to build a single storey side/rear extension. At the side the extension would be set back from the front elevation of the existing property by 5140mm. It would project 1241mm to the side and measure 6741mm along the side elevation. Across the rear it would measure 6741mm and it would project 3981mm along the shared boundary with no.17 next door. It would be finished with materials that would be in keeping with the existing building.

Relevant Planning History

N/A

Publicity

6 neighbours notified on 02/10/2024 - No comments or objections received.

Certificate B issues to neighbour at no.13 Hampden Road on 22/09/2024.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

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 majority of the extension would be to the rear of the existing dwelling and at the rear it would only be visible from the rear gardens of neighbouring properties. The side extension would be set back from the front elevation of the existing house.

The extensions would be built with materials and a design that would be considered to be in keeping with the existing building. As such it is considered that it would not have any significant detrimental effect on the character of the existing streetscape.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The extension would be more than a sufficient distance away from properties to the front of the site.
- The extension would be 8600mm set back from the front boundary.
- At the rear there would be around 7300mm from the rear elevation of the extension to the rear site boundary.
- The extension would project around 2500mm past the rear of the extension at no.17, and it would be around 410mm away from the shared boundary which would be in line with requirements set out in SPD 6.
- There would be no windows in either side elevation.
- The drawings show that all of the development would be built within the residential curtilage of the site, but due to part of the site being included in a joint access path/driveway, shared with no.13 next door the applicant has discussed the proposal with that neighbour and served notice on them. It is noted the neighbour has not objected to the proposal.

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.

Access and parking -

In terms of parking arrangements there is currently a pair of detached garages to the rear of the site which belong to numbers 13 and 15 Hampden Road, and there is a shared access between the two properties. If the extension is built it would result in access to the garages at the rear being obstructed.

There would be around 8600mm of drive length to the front of the extension where one vehicle could be parked, but otherwise car parking would be available on the roadside as it is currently.

According to the agent all the properties on the south side of this stretch of Hampden Road all park on the roadside. Numbers 7, 9, 11 and 17 Hampden Road do not have driveways.

The agent has advised that the current access to the garages is extremely narrow and it would be very difficult to drive a modern day sized vehicle between the two properties. They also note that the front of the driveway is very steep and not practical for use. The agent went on to advise that their clients have discussed the proposal with the owners of no.13 Hampden Road, who share the access and they were served notice on the 22nd September 2024. The owner(s) of no.13 have not objected to the proposal.

Whilst the proposed side extension would restrict vehicular access to the rear of both the application property and no.13 it is noted that it would be built within the residential curtilage of the site and the applicant, and the owner of no.13 could build a single storey side extension as permitted development at any time, without the need for planning permission. The issue regards access to the rear of the properties would be considered to be a civil

matter, which would need to be discussed between the relevant parties. The neighbour at no.13 Hampden Road has been served notice of the proposal and the applicant/agent has signed certificate B on the application form. The agent has advised that the applicants have discussed the proposal with the owner(s) of no.13.

It is noted that although planning permission may be granted the decision does not outweigh any covenants or other restrictions on the land, but they would be considered to be a civil matter, and if the neighbours at no.13 choose to object to the building of the side extension they would need to discuss that with the applicants privately. The neighbours have not objected to the current proposal. As such the proposed extension would be considered to be acceptable in terms of SPD 6 and UDP Policy H2/3.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the 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, and Places for Everyone Joint Development Plan listed.

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 drawing numbered 2354 PL 200 C 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 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, and Places for Everyone Joint 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>
AU - 28/10/2024		HL 30/10/24	

