

DELEGATED REPORT

Report by Jane Langan	Date of report: 21/11/2022	Ref: 68841/FUL
Registration: 31/08/2022	LDFC: 18/11/2022	Expiry Date: 26/10/2022
Site Visit: 10/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	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

Location: 3 Prestfield Road, Whitefield, Manchester, M45 6BD

Description

The property is a two storey semi detached house. It has a gap along the side which leads to a fenced rear garden and the house has been extended two storey at the rear. The attached neighbour is No.1 and is extended two storey with its rear elevation slightly deeper than the site. The unattached No.5 is also extended two storey at the rear. Beyond the rear boundary the site borders the rear garden to 4 Ashby Grove.

The application proposes a single storey rear extension 4m deep to extend the kitchen/diner.

Relevant Planning History

64541 - First floor extension at rear and single storey extension at rear - AC 03/10/2019

Publicity

Surrounding neighbours were notified by letter on 21/09/22. A further letter was sent 07/11/22 regarding the plans corrected as they referred to an extension to a single storey that was not built. One response has been received, to the original letter, from a nearby neighbour.

- Concerned that this extension would block my natural light and possibly devalue my own property

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposed extension would have a monopitch roof with roof lights and doors/window to the rear elevation. Materials would be brick and roof tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposal would not affect the existing parking arrangements.

Residential amenity - SPD6 states that single storey extensions in excess of 3m should be assessed against the 45 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected.

In relation to the unattached No.5 the gap between this property and the site is such that the proposed extension would not encroach the 45 degree line from the mid point of its closest window to the rear.

DELEGATED REPORT

To the opposite side is the attached No.1 which is extended two storey and slightly deeper at the rear. The proximity of the mid point of the patio doors to No.1 is such that the proposal would encroach the 45 degree line at a point less than 3m. The plans note that the proposed extension would project 3.407m past the rear elevation of No.1. The consideration then is the impact of the additional 0.407m above the 3m that would be acceptable. The site is located to the south side and as such this is the location that would have the most impact in terms of overshadowing. The proposed roof would be a monopitch sloping down from a height of 3m to 2.7m. Given the length in excess of the 3m is a short length and down to a height of 2.7m it is not considered that there would be impact on the amenity of No.1 to a significant level that would give grounds for refusal.

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Given the application was originally submitted with the wrong plans the following informative is added. *The applicant's attention is drawn to the fact that the approved plans note that the proposed extension will not project more than 3407mm from the rear elevation of 1 Prestfield Road.*

This is in addition to the condition requiring the development to be built in accordance with the approved plans.

Response to neighbour objection - The issues regarding loss of light are addressed in the above report.

Property value is not a planning matter.

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 existing plans and elevations received 01/11/22, existing and proposed block plans received 04/11/2022, proposed floor plan received 07/11/22, proposed elevations received 09/11/22 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	21/11/22		