

DELEGATED REPORT

Report by Jane Langan	Date of report: 26/04/2023	Ref: 69478/FUL
Registration: 21/03/2023	LDfC: 24/04/2023	Expiry Date: 16/05/2023
Site Visit: 05/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side/rear with external stairs at rear

Location: 12 Queens Drive, Prestwich, Manchester, M25 0HQ

Description

The property is a semi detached house. It is fully surfaced at the front for parking. To the side works have commenced on a single storey extension approved under ref 68346. To the rear is a single storey bay to the party wall side, the neighbouring property has the same, and adjacent its bay the site is extended single storey. The levels drop to the rear of the semis and the ground floors are at a higher level with basements beneath. The site has an access door to the basement to the rear elevation. The adjoining neighbour is No.10 and is extended single storey adjacent its bay with steps down to the garden. To the opposite side is the unattached No.14 which comprises of 2 flats. It is a two storey property with a gap along the side and low fencing. The side elevation has a window at ground floor and to the rear it is extended single storey. To the rear the site borders the rear gardens to 11 & 13 Winchester Avenue.

The application is a revised scheme to 68346 the changes include the monopitch roof to a flat roof. A kitchen window to the side elevation and the external steps relocated from the rear of the extension to the side.

The proposal now comprises of a single storey extension coming 1.6m out at the side and running for 12.9m along of which 2.5m would extend beyond the existing rear bay elevation. It would extend across for 5.8m and to the same depth as the existing single storey. The extension would form a bathroom and extended kitchen/dining room. The external stairs previously located to the east side of the house would now be relocated to the party wall side accessed from the new extension.

Relevant Planning History

68346 - Single storey extension at side/rear. - AC 05/08/2022

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour their concerns in summary are:-

- Side window invasion of privacy

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations

SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 be flat roofed. The proposal has been revised to add a parapet wall to the front and rear to improve the design and appearance. Materials for the walls would be brick to match. Where the extension would project past and across the rear elevation it would have a tiled dual pitch roof with roof lights. With the parapet wall at the front and coming out at only 1.6m in width the proposed

extension would be not appear out of place or intrusive in the street.

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 SPD11 Parking Standards need not be considered. Parking would be as existing to the front drive which would be 5m in length and the frontage is fully hard surfaced.

Residential amenity - In relation to the adjoining No.10 the proposed rear extension would be the same depth as the existing one at 2.6m deep and set 2.9m in from the boundary. The external stairs would be to this side leading out from a door to the side of the extension. They would allow access down to the garden due to the levels. Both adjacent properties have steps down as access. As such there are not considered to be any privacy issues.

To the opposite side to No.14 the proposed extension would come to be around level with the rear elevation of this. There would be one window to the side of the proposed extension to the kitchen. As it would be close to the boundary, and there is a main window to the rear, a condition is attached for this to be obscure glazed and non opening to 1.7m from inside floor level. This would prevent loss of privacy to No.14.

To the rear there would be 6.1m to the boundary. The proposal would be no closer than than the existing rear elevation however, as on the previous approval, there would now be a window to the rear. The site is at a higher level than the properties to the rear but not a full storey. The properties to the rear are in close proximity, 11 Winchester Avenue is extended at ground floor close to the site boundary with some fencing screening and also has a rear dormer. As such there limited privacy as existing and the proposal would not reduce this to any unacceptable level.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 01, 02, 03, 04, 05B, 06B, 07C, 08C and the development shall not be carried out except in accordance with the drawings hereby approved.

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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 Before the first occupation of the extension hereby permitted the kitchen window to the east side elevation shall be fitted with obscured glazing to level 5 and be non opening to 1.7m in height from inside floor level and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	26/04/23	DM	02/05/23