

DELEGATED REPORT

Report by Mo Warsame	Date of report: 12/01/2023	Ref: 69029/FUL
Registration: 28/10/2022	LDfC: 01/12/2022	Expiry Date: 23/12/2022
Site Visit: 09/12/2022	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension; Single storey front bay window extension

Location: 2 Mellor Street, Prestwich, Manchester, M25 3HT

Description

The property is a two-storey end of terrace dwelling. At the rear there is a green garden with fencing to all boundaries and a gate for pedestrian access at the rear. No. 4 Mellor Street (south) is the only adjoining property, and a sufficient distance exists between the site and the properties on the opposite side, rear, and front, all of which are separated by a public highway.

The applicant proposes to build a single storey rear extension with and a new bay window to the front elevation. The proposed rear development would wrap-around the existing kitchen to accommodate a larger open-plan kitchen extension. The single storey rear extension would project 5.2 metres from one side and 2.5 metres on the other side to form a larger rectangular extension. The development would have a flat roof with roof light and utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 10/11/2022. No. objections.

Statutory/Non-Statutory Consultations

NA

Pre-start Conditions

N/A

Unitary Development Plan and Policies

HT6/1	Pedestrian and Cyclist Movement
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/1	Visual Amenity

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The application relates to an end of terrace dwelling located on Mellor Street. As the single storey extension would be built on the rear of the property it would not be visible from the public realm at the front of the site. The development would be built with design and materials that would be in keeping with the existing building and therefore would be acceptable. The proposed bay window to the front would also be a simple design that would suitably align with the existing windows.

The Council policy in H2/3 and SPD6 considers that development management is keen to ensure that enough private garden space is left after any extensions to avoid over-development of the site. Any proposals should not therefore significantly reduce the amount of usable amenity space for the property to an unacceptable degree. However, It is considered that the remaining space would be sufficient and would be a suitable or usable

amenity space for the property.

It is therefore considered that the proposed extension would not lead to an insufficient amount of usable amenity space, and would therefore not be detrimental to the character of the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no new habitable windows proposed in either side of the extension except for a window panel in the kitchen. However this window would be installed from above 1.7 metres and would therefore not have any significant impact on privacy. Furthermore, there would be sufficient distance to the properties to the side (north), front (east) and rear (west).
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, given the development is a wrap-around extension and the side that runs parallel to the shared boundary would project less than 3 metres and therefore would be deemed acceptable.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Refuse Storage

SPD 6 states that due to the increase of bins required to be stored at dwellings, extensions and alterations should take account of refuse storage where appropriate. In addition to this Policy HT6/1 seeks to ensure pedestrians can move safely and conveniently.

The proposal would not lead to being inadequate space to the rear of the dwelling for the storage of bins and therefore would be acceptable and conforms to UDP Policy HT6/1 and SPD 6.

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 drawings numbered SGH-008 01, SGH-008 02 B and the

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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 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>
MW	12/01/2023		