

DELEGATED REPORT

Report by Steven Gunn

Date of report: 06/09/2022

Ref:68475/FUL

Russell

Registration: 14/06/2022

LDfC: 06/07/2022

Expiry Date: 09/08/2022

Site Visit: 24/06/2022

Site Notice: N/A

Press Date: N/A

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 extension at rear

Location: 43 Dovedale Avenue, Prestwich, Manchester, M25 0BT

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. At the rear there is a detached garage and shed albeit both in poor condition. Both neighbours dwellings are as originally built. The street building line is consistent.

Planning permission is sought for a single-storey rear extension that would project out 5.0m and have a monopitch roof up to 4m adjoining the main house although the area beyond the rear steps would be raised 43cm to create a new ground level. Materials would match existing. It would accommodate a lounge/kitchen with patio doors overlooking the north facing garden. There are no new side windows proposed. There would be a separation of 12.6m to the rear boundary, although there is no new boundary treatment proposed.

The proposed development has been amended to exclude the rear patio, replaced with steps.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 24/08/2022 sent to 4 (four) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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.

In terms of scale, design, and appearance the proposed extension would be generally

in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, although its design and scale is considered to be appropriate for this property. Materials would match existing.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed extension would project out from the existing building line by 5m, in excess of 3m, beyond which the 45-degree rule would apply. Calculation of the 45-degree rule and 25-degree rule (as measured from the attached neighbours nearest habitable window) shows that the proposed extension would normally fail this test. However, the projection is smaller than the 6m allowed under current larger homes extensions rules and no objections have been received. In consideration of the larger homes scheme, as there are no objections, also in consideration of the shallow roof pitch and that the proposed extension would be to the north-north-east of the main rear elevation of the adjoining semi, it is considered that the proposals are acceptable.
- There are no new side windows proposed.
- In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary with the attached neighbour and is to the north-east of No.41. The proposed extension would have some impact on part of that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. No objections were received.
- Certificate A has been submitted.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed.

Conclusion

It is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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:

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- 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 126-002 Rev:A, Drawing 126-003 Rev:A, Drawing 126-004 Rev:A, Drawing 126-005 Rev:A as submitted on 16/08/2022 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.
- 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>
Steven Gunn-Russell	06/09/2022		