

DELEGATED REPORT

Report by Jane Langan	Date of report: 15/02/2023	Ref: 69197/FUL
Registration: 22/12/2022	LDFC: 03/02/2023	Expiry Date: 16/02/2023
Site Visit: 23/01/2023	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: Two storey rear extension and Part single/Part two storey side extension

Location: 27 Parksway, Prestwich, Manchester, M25 0JB

Description

The property is a two storey bay fronted semi detached house. It has garden and a drive to the front. To the side and rear it has been extended single storey. The adjoining property is No.29 and is extended single storey across part of the rear in the area that runs along the shared boundary. Adjacent this it is extended two storey. To the opposite side the unattached No.25 is extended two storey at the side and two/single storey at the rear. To the rear the site boundary is screened by planting and borders the rear gardens to 6 & 8 Meadfoot Avenue.

The application includes a two storey extension at the side coming out 2.3m. The ground floor would extend out to 1.4m with the remainder out to 2.3m being supported by pillars and then retaining a ground floor gap to the side. The two storey would run along the side and past the rear elevation for 4.4m and then extend 4.6m across. At this point the two storey would reduce in depth for 2.2m across to the boundary. At ground floor, to the party wall side, a single storey would project out a further 4.9m for 3.7m across. The extensions would form a wc, utility and extended kitchen/dining area and a sukkah at ground floor. At first floor would be an extended bedroom, two additional bedrooms and a bathroom.

Relevant Planning History

None.

Publicity

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

- Request the application is decided at planning committee
- Request a Planning Officer visit to see the impact the development would have
- Loss of light and overshadowing to sitting room and master bedroom
- Loss of outlook and aspect. Sitting room would outlook would be to a 3m brick wall
- Proposed ground floor would be 3m beyond building line of any other ground floor extensions on the street
- Overdevelopment. Significant loss of garden. Detrimental effect on the environment.
- Raised concerns on initial approach by neighbour. No further discussions since. No discussion or approach by the architect.

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 two storey side would have a hipped roof set below the main ridge. It would be built up to the side boundary however with the first floor front set back 1.5m terracing would not be an issue. Where projecting past the rear elevation the two storey would be flat roofed. The sukkah would also be flat roofed with a roof light. The flat roofed areas of the proposal would not be visible from the main street view. Materials would be 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 increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has a drive to the front for the parking of one vehicle. The site plan scales the drive length as 5.3m. As 5m is the minimum a condition is added. There may be potential for further space to be created in the front garden if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The adjoining No.29 is extended single storey at the rear. The proposed two storey would then effectively be as single storey to single storey in terms of the first floor windows to No.29. The proposal would project less than 3m from the rear of the first floor to No.29 at 2.2m deep. The proposed single storey to the boundary with No.29 would project less than 3m from the rear ground floor of No.29 as extended. SPD6 deems 3m as acceptable and the 45 degree rule is applied for a depth in excess of 3m.

To the unattached No.25 the proposed two storey side would run along its extended side elevation. Where the proposal would project as two storey at the rear it would not encroach a 45 degree line taken from the mid point of the first floor rear window to No.29. The first floor side elevation of the proposal would have a bathroom window and there would be two kitchen windows at ground floor along the walkway. No.25 has obscure windows to the side and, with the close proximity that the two properties would be, a condition is added for the proposed side windows to be obscure glazed.

There would be a distance in excess of 7m from the proposed first floor bedroom window to the rear boundary.

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.

Response to objection - The issues regarding loss of light and overshadowing are addressed in the above report. Including the impact on the relevant neighbouring properties. The proposal would comply with the criteria set out in SPD6 for two storey side and rear extensions and single storey rear extensions.

Householder applications are not decided at planning committee as they fall under the adopted scheme of delegation.

The site was visited as part of the assessment of the application where it was possible to see the relevant neighbouring properties.

Following the proposed extension there would be adequate outside space remaining and the proposal is not considered to be overdevelopment.

Whilst it is preferable that applicants/agents discuss proposals with neighbours prior to submission it is their choice to do so or not.

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 001, 002, 003 Rev 3, 004 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 A minimum hardstanding of 5m measured between the highway boundary and the front elevation of the extension hereby approved shall be provided and thereafter maintained.
Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 Before the first occupation of the extension hereby permitted the windows to the bathroom and kitchen to the east side elevation shall be fitted with obscured glazing 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	15/02/23		