

DELEGATED REPORT

Report by Jane Langan	Date of report: 22/06/2023	Ref: 69451/FUL
Registration: 23/03/2023	LDfC: 02/05/2023	Expiry Date: 18/05/2023
Site Visit: 04/01/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition no.2 (approved plans) of 69090 to increase the size of the first floor extension

Location: 38 Fairway, Prestwich, Manchester, M25 0JH

Description

The property is a bay fronted semi detached house. It has a garden to the front and drive to the front/side. To the rear it has a single storey outrigger across part of the elevation. The rear garden is overgrown and planting screens the rear boundary with 89 Bury Old Road whose roof is just visible through the planting. The adjoining property is No.40 and has patio doors to the party wall side then a single storey extension. To the opposite side the unattached No.36 is extended two/single storey at the side and two storey at the rear.

The application is a revised scheme to 69090 to increase the depth of the two storey at the rear. It was to be 4.6m but would now increase to 6m to the south side for 3.8m across at which point it would be angled across to be 4.6m deep.

The full scheme now comprises of a single storey extension at the front 1.2m deep and 2.8m across. To the side a two storey would come out 2.7m and extend along the side with the first floor set back 1.5m at the front. It would continue past the rear elevation for 6m and for 3.8m across where it would then be angled across to be 4.6m in depth. The remainder up to the shared boundary would be single storey and 6m deep. The extension would form a hall, cloakroom, office, utility and extended kitchen/dining room with sukkah. At first floor would be 2 bedrooms an ensuite and a bathroom.

Relevant Planning History

68743 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - 01/09/2022.

69090 - Two storey extension at side; Part single/Part two storey extension at rear; Single storey extension at front; Widening of existing vehicular access - AC 30/01/2023

Publicity

Surrounding neighbours were notified by letter. No responses have been received.

Statutory/Non-Statutory Consultations

Highways response on 69090 - No objection subject to conditions and an informative.

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 single storey front extension at 1.2m deep would not project excessively and have a dual pitched roof. The two storey side would be built to the boundary, with the first floor set back 1.5m terracing would not be an issue. The main roof would be pitched forming a side gable wall and a monopitch to the ground floor at the front. To the rear the two storey would be a dual pitched roof and the single storey section a flat roof with sukkah roof light. 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 2, with an office, so potentially 3 beds to 4 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/side. The proposal would build on the side retaining a parking space to the front of the extension for one car with a drive length of 5m. The existing drop kerb would be widened to provide a further space. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - Where adjacent the boundary with the adjoining No.40 the proposed extension would be single storey and project 6m deep. SPD6 deems 3m acceptable and proposals in excess are assessed against the 45 degree rule. Due to the proximity of the window to No.40 the 45 degree line would be encroached at a point less than 3m. A material consideration is the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case and a larger homes scheme has been previously submitted (68743) and approved with no objections. As such there are not considered to be any justified grounds for refusal with regard to the single storey. Where two storey the proposal would not encroach a 45 degree line taken 1m out along the shared boundary.

To the opposite side No.36 is extended two/single storey at the side and rear. The habitable room windows to the original dwelling are to the party wall side, the dining room and bedroom above. Less weight is afforded to extension windows to neighbouring properties and the proposed extension would not encroach the 45 degree line from the mid point of the original kitchen window to this property. The proposal would extend past the rear of No.36 by approximately 3.8m. The site is located to the north side therefore it would not cause any significant overshadowing to the garden to No.36 and which is also screened at ground floor by its fencing and planting.

The proposal to this side would have ground and first floor windows along the boundary to non habitable rooms and two secondary ground floor ones to the dining area. The plans note the ground floor ones to be obscure glazed. The first floor windows would be to an ensuite and bathroom. As on the previous approval a condition is added for all the windows to this side elevation to be obscure glazed.

There would be a distance of 6.7m from the first floor rear bedroom windows to the boundary. SPD6 sets out 7m to be the minimum in general to allow sufficient privacy distance. This would leave the distance 0.3m sub standard. The plans have been revised to amend from one large bedroom window to two smaller ones to mitigate the 0.3m short fall and which is not considered to be a significant amount. To note there have been no concerns raised by the neighbouring property to the rear. As such there are not considered to be grounds for refusal.

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

The proposal would not conflict with the purposes of 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 001 Rev 1, 002, 003 Rev 9, 004 Rev 4 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 Before the first occupation of the extension hereby permitted all windows to the south 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.
- 4 The revised access and car parking arrangements indicated on the approved plans, incorporating the extension of the existing footway crossing to limits to be agreed on site with the Highway Authority, all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, demarcation of the limits of the adopted highway, retention of the length of existing boundary wall shown to prevent vehicle encroachment of the footway and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented to the satisfaction of the Local Planning Authority prior to the extension and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway 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.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u> JL	<u>Date</u> 22/06/23	<u>Sign off Officer</u>	<u>Date</u>
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