

DELEGATED REPORT

Report by Jane Langan	Date of report: 14/12/2023	Ref: 70238/FUL
Registration: 13/11/2023	LDfC: 05/12/2023	Expiry Date: 08/01/2024
Site Visit: 20/11/2023	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: Demolish existing conservatory and replace with single storey side extension

Location: 526 Bury Old Road, Prestwich, Manchester, M25 3DF

Description

The property is a semi detached house located at the junction of Bury Old Road and Cuckoo Lane and to the corner is a planted area that is not within the application site. The site property has a boundary wall with timber infills along the front and there is a garden and drive. To the side it has a conservatory and garden with timber fencing along the boundary. The adjoining neighbour is No.524. To the rear the site borders the garden and drive to 2 Cuckoo Lane.

The application proposes to remove the existing conservatory at the side and construct a single storey extension coming out 4.6m deep and 4.6m across. It would form a family room.

Relevant Planning History

65396 - Single storey extension at side - AC 12/06/2020

46754 - Two storey extension at side - AC 06/09/2006

38502 - Formation of vehicular crossing - AC 10/12/01

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 site is the end property at the junction with Cuckoo Lane however the corner section comprises of an area of space with planting, not part of the application site, and also the side garden to 2 Cuckoo Lane. This would see the proposed extension approximately 14m from the boundary with the footpath. It would have some visibility from the main street view being located to the side elevation however there is a level of screening from fencing and planting. The extension would have a flat roof with lantern roof light and the walls finished in brick 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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements to the front drive would be unaffected.

Residential amenity - The neighbouring property closest would be 2 Cuckoo Lane which sits to the north and side on to the site. It has its side garden and a drive bordering the side garden to the site where the extension is proposed. Fencing and planting separates the

gardens and the proposed extension would be blank wall to the rear elevation facing.

There would then be no serious impact on the amenity of this adjacent neighbouring property.

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 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 BR-01, BR-02, BR-03, BR-04 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	14/12/23		