

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/12/2021	Ref: 67736/FUL
Registration: 01/11/2021	LDFC: 01/12/2021	Expiry Date: 27/12/2021
Site Visit: 09/12/2021	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: Two storey side extension

Location: 14 Ludlow Avenue, Whitefield, Manchester, M45 6TD

Description

The application relates to a semi-detached dwelling located on Ludlow Avenue. The premises has an area of garden to the front with a driveway that leads to a single storey detached garage at the side of the dwelling. To the rear of the property there is an area of residential amenity space.

Planning permission is sought for the construction of a two storey side extension that projects approximately 3000mm from the side of the original dwelling.

Relevant Planning History

None

Publicity

Neighbour letters sent 9/11/2021. No representations 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. 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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre first floor set back to the main frontage or to the boundary. No set back is proposed but a gap of approximately 1100mm to the side boundary is proposed. The adjacent property at No 12 has already extended to the side leaving a similar 1.1 metre gap to the shared boundary. It is considered that unlikely that No. 12 would extend the 1.1 metres to the boundary. No. 12 is also sited at a slightly higher level than the host property (750mm difference). Considering the change in levels between the two properties, and the shared gap of approximately 2.2 metres that will be maintained between the two properties it is considered that the proposal would not lead to the uncharacteristic linking up of dwelling and would therefore comply with the intentions of SPD 6.

The proposed extension would have a pitched, hipped roof replicating the shape and style of the existing and neighbouring properties. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate. The proposed extension would not overwhelm the dwelling and lead to over development of the associated residential amenity space.

It is therefore considered that the proposal complies 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.

- Proposed extension would be located adjacent to the side gable of No. 12, which has also been extended to the side. This property has 2 high level side windows facing towards the proposed extension but these appear to relate to a garage, are located within an extension and are not on a principal elevation. The location of the proposed extension is therefore considered to be acceptable.
- No windows facing towards No. 12
- Proposed rear first floor window would relate to a non-habitable room (bathroom) and as such aspects not applied.
- Proposed ground floor rear window would be screened by existing boundary treatments.
- Proposed ground floor, and first floor front windows would be separated from the directly facing property by a highway, front gardens/parking and would project no further forward than the existing window arrangements. As such no undue overlooking is foreseen.

Parking

A single parking space would be retained within the curtilage of the site. The bedrooms at the property would increase from 3 to 4. There is scope to extend the parking at the front of the property if required and on street parking is unrestricted.. The retention of a single space at this site is therefore considered to be acceptable.

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 14LA/1 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>
Helen Pressley	9/12/2021	DM	15/12/2021