

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 15/02/2022

Ref:67774/FUL

Registration: 17/11/2021

LDfC: 09/12/2021

Expiry Date: 12/01/2022

Site Visit: 25/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at side/rear and front porch alterations

Location: 6 Beeston Grove, Whitefield, Manchester, M45 6UF

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. At the rear is a detached garage in relatively poor condition. The attached neighbour is as originally built and the unattached neighbour has a side extension. The neighbours to the rear have trees and shrubs on the boundary and there is a long driveway with space for three cars.

Planning permission is sought for a two-storey extension that would project out from the main rear building line by 1.5m with a gable roof and occupy the full width of the curtilage. The extension would comprise a gable roof as viewed from the rear and a hipped roof as viewed from the side/front. The front first floor section would be setback by 1.5m. Materials would match existing plus rendering and accommodate a lounge/diner at ground floor and an additional bedroom at first floor. There are no new side windows except one bathroom window.

There would be a separation of 11.2m to the rear boundary which has tree and shrub planting on the boundary and the driveway would be reduced in length but remain sufficient for one car.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 18/11/2021 sent to 8 (eight) neighbours. One objection was received from 10 Beeston Grove.

Objections -

Concerns are summarised below:

- I have an extension that falls three quarters of the way down the side of my house kitchen, utility room and WC.
- If the applicant builds up to the land border next door to me it will infringe on access to my essential amenities for repairs and replacements of my gas boiler, plumbing, washing machine and sink.
- Loss of light into my utility room, landing and bathroom
- Unable to access utility window to clean it.

Relevant concerns of the neighbours have been addressed in this report.

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
SPD11	Parking Standards in Bury

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 - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the side rear, the extension would be partly visible from the public arena although its design and scale are considered to be appropriate in relation to the existing house and surrounding streetscene.

In order to prevent a terracing effect, the applicant has agreed to setback the front first floor section by 1.5m. The front of the house will have a design that compliments the existing street while the rear will provide a new elevational design incorporating a modern feature with variety and interest. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 7.1m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. In terms of the unattached neighbour at Nr.4, the impact of the extension is considered with regard to the extension reaching the shared boundary. Overlooking of this neighbour is minimized by the fact the only side window is a bedroom window and a condition will be applied requiring obscure glazing. There are no other side windows proposed.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary to the south of Nr.4, and the roof extension would be equal to or lower than the main pitch. As such the extension would have some impact on part of the neighbours rear garden in the mornings, although the overshadowing would not be seriously excessive above and beyond the existing situation. The extension would therefore be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Note to objectors - An objection has been received in relation to loss of light reaching a side window for a utility room. However, given that this is a non-habitable room and all other side windows are either non-habitable rooms or secondary windows it is considered that there would not be a serious enough impact on the outlook from Nr.4 to warrant refusal. With regards access to utilities for maintenance although this is a relevant planning consideration it would normally be expected that this can be achieved without the necessity of crossing a neighbours shared boundary and otherwise require an agreement with a neighbour.

Highways – Access arrangements would remain unchanged. However, the proposal would result in a reduction in driveway length from 3 car spaces to 1 car. This is considered to be acceptable given the dwelling's location within a high accessibility area and in light of the availability of on street parking.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, 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 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 drawing numbered Drawing 010 (dated 15/02/2022) 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.
- 4 Before the first occupation of the extension hereby permitted the bathroom windows on the 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>
SGR	15/02/2022		