

DELEGATED REPORT

Report by Jane Langan	Date of report: 02/12/2022	Ref: 68796/FUL
Registration: 26/09/2022	LDFC: 24/10/2022	Expiry Date: 21/11/2022
Site Visit: 31/10/2022	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: Single storey rear extension

Location: 4 Marton Grange, Prestwich, Manchester, M25 0EL

Description

The property is a semi detached house. It has been extended at the rear single storey and has a fenced garden. The rear boundary borders the rear garden to 11 & 13 Windsor Road. The adjoining neighbour is No.5 and is extended single storey at the rear shallower than the site.

The application proposes to extend the single storey to the rear out a further 3m deep to the party wall side and for 2.5m across. It would form a storage room.

Relevant Planning History

67687 - Prior approval for proposed single storey rear extension - GPNR 03/09/21.

Publicity

Surrounding neighbours were notified by letter and two responses have been received from nearby neighbours. One support and one objection. The comments in summary are:-

- Absolutely no objections
- Objection - Owner has an extension that has already affected the lighting and view of my building
- Existing extension on a 20cm foundation which makes the building a danger to my property
- Non-matching bricks to build the existing extension
- Owner has broken the boundary fencing wall between my property. Refusing to reinstall or pay half the cost of replacement. Left with 6m of unmatching wall in my garden and no boundary
- Proposal would extend the level of damage that they have already caused by the previous extension

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 - Located to the rear the proposal would not impact on the street scene. It would be flat roofed and the walls noted to be finished in a similar red brick.

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 existing parking arrangements would not be affected.

Residential amenity - SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and

where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected.

The site has been previously extended under the larger homes scheme. This proposal would add a further 3m. With the adjoining No.5 extended single storey the proposal would see an approximate length of 5.8m along the shared boundary past this extension. The proposal has been revised to reduce the flat roof height from 2.8m to 2.5m. This would see the proposal of the same height that an outbuilding could be constructed along a shared boundary under permitted development. This is a material consideration as the applicant would have this as a fallback position should the application be refused. In addition, the proposed extension would not project significantly above the fence line and be located to the north east of the garden to No.5. As such there would then be no significant overshadowing to its garden. Given these points there are not considered to be grounds for refusal.

The proposal would be 4m in from the boundary with the unattached No.3 and as such it would not have any significant impact.

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

Foundations are a constructional matter dealt with under Building Regulations.

The existing extension is constructed in brick and, whilst it is not an exact match, it is of a similar appearance to that to the main house and the existing extension and that as proposed would not be readily visible from the main street view.

Boundary fencing replacement and damage is a civil matter between the two neighbouring 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 Marton/001, Marton/002 Revision B 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.

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<u>Case Officer</u> JL	<u>Date</u> 02/12/22	<u>Sign off Officer</u>	<u>Date</u>
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