

DELEGATED REPORT

Report by Helen Pressley	Date of report: 08/11/2021	Ref: 67529/FUL
Registration: 14/10/2021	LDFC: 05/11/2021	Expiry Date: 09/12/2021
Site Visit: 28/10/2021	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: Two storey side extension

Location: 6 Mountside Crescent, Prestwich, Manchester, M25 3JF

Description

The application relates to a semi-detached dwelling house located on Mountside Crescent. The dwelling has parking to the front, with an area of private residential amenity space located to the rear. The premises has been previously extended with a single storey porch extension to the front, and a single storey conservatory extension to the rear.

Planning permission is sought for the construction of a two storey side extension that projects a maximum of approximately 3000mm, and includes a chamfered corner at the rear that runs parallel with the shared boundary with No. 4.

Relevant Planning History

None

Publicity

Neighbour letters sent 15/10/2021. Objection received from No. 4 in relation to:

- Boundary wall that runs along property line - is load bearing supporting neighbour's ground level, wall is in poor state of repair unlikely to sustain planned construction. Party Wall survey required & remediation costs need to be covered
- Proximity, only 150mm gap to property line of neighbour's extension will make my property feel hemmed in
- Due to elevated position, rising hill & the angle of neighbour's proposed extension. My house is lower by 1420mm to neighbour's ground level; this extension will feel much higher (over-bearing) from my house's ground level
- Natural light to my side of property will be reduced by planned extension making my house's side darker
- No mention of white rendering on extension, currently neighbours upper half of house is rendered white, which is aesthetically pleasing, reflects sun to my side. A red brick wall would not do that.
- Assurance that no guttering, eaves, or other wall attachment on your extension wall will go over my property.

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 first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance the dwelling is located on the inside corner of a bend and the front elevation of the property at No.4 is set at an angle to the site. Even if the property at No. 4 were to extend in the future in a similar fashion, a gap between the front corner of the proposed extension and the side

elevation of No. 4 could be retained preventing the uncharacteristic linking up of dwellings.

The proposed extension would have a pitched, hipped roof replicating the shape and style of the existing and neighbouring properties. The proposed set back, and lower ridge height gives the impression of subservience. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate.

It is 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.

The proposed extension would be located adjacent to the side elevation of No. 4. This property has first floor, and ground floor windows that face towards the site which would appear to relate to non-habitable rooms similar to the layout at No. 6. As confirmed by SPD 6 side windows, are not protected in the same way as principal, habitable room windows located on main aspects. As such the location of the proposed extension is considered to be acceptable.

The proposed extension would not project beyond the existing front and rear elevations of the dwelling and as such the residential amenity of No. 8 would be retained at existing.

No windows are proposed within the side elevation. The proposed rear windows would relate to non-habitable rooms (WC and ensuite) and as such aspects not applied. The proposed front ground floor and first floor windows are separated from the directly facing properties by front gardens/parking and a highway and as would not project any further forward than the existing window arrangement. As such no undue loss of privacy is foreseen.

Parking to the front to be retained as existing. No additional bedrooms proposed as a result of the proposal.

Response to Neighbours

The planning acts are clear that the planning system should not replicate conditions or controls of other legislation, but should trust the regulatory bodies to act. The Party Wall Act is separate legislation and would need to be pursued separately from the proposed planning permission.

The impact of the proposal in terms of residential amenity and materials has been assessed within the main body of the report. The application form confirms that red facing brick will be used at ground floor, and render at first floor and this will be conditioned accordingly.

Certificate A has been signed by the applicant/agent that states that the applicant is the owner of the land to which the application relates and as such no part of the development should encroach over the red line submitted - including guttering, eaves and other wall attachments.

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 PL-001 Revision 4 P2, PL-002 First Issue P1 and PL-003 Client Comments P3 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 rear WC and ensuite windows 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>
Helen Pressley	08/11/2021	DM	11/11/2021