

DELEGATED REPORT

Report by Amanda

Date of report: 21/02/2022

Ref:68017/FUL

Uhunmwagho

Registration: 26/01/2022

LDfC: 18/02/2022

Expiry Date: 23/03/2022

Site Visit: 10/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear and elevational changes; change from door to window to side (south) elevation

Location: 19 Willingdon Drive, Prestwich, Manchester, M25 1PA

Description

The application property is a two storey semi-detached house with gardens to the front and rear. There is a single storey extension to the rear and a small detached shed.

The proposal is to build a larger single storey rear extension as well as some changes to openings on the side elevation of the existing dwelling. The extension would project 5m from the original rear elevation and it would measure 5.94m wide. The roof would be slightly sloped with a rooflight to the centre. The north side elevation would be built approximately 260mm off the shared boundary with the attached neighbour.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 28/01/2022 - No comments or objections 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

As the extension would be on the rear of the dwelling it would not be visible from the public realm along Willingdon Drive. However the design of the proposal and finished materials would be considered to be in keeping with the existing building. The change to the side elevation by repositioning a door and adding a small window would have no significant detrimental effect on the character of the street scene.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The extension would only be around 4.6m to the rear boundary but as it would be single storey only any views from the rear windows would be over the applicant's own garden and not directly towards neighbouring dwellings.

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- The extension would be positioned around 1.6m from the southern boundary and would project less than 3m past the rear elevation of the single storey extension at no.17 to the south. As such the 45° rule would be satisfied with regards to ground floor windows on the rear of the extension next door.
- No.21, attached, is positioned directly north of the site so the introduction of a single storey rear extension projecting 5m would undoubtedly have a detrimental impact on the ground floor patio doors on the rear of this property which are closest to the site boundary. However, it is noted that the next door neighbour has not objected to the proposal and as the extension would project less than 6m from the original rear elevation it could be acceptable in terms of the Larger Homes Scheme. With this in mind there would be no reason to refuse the extension as proposed at this property.
- The new window and door on the southern elevation would face on to the blank gable wall of no.17, at ground floor level. As such there would be no significant detrimental impact on residential amenity at this property.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding 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 02100 P01 and 02101 P01 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/02/2022			