

DELEGATED REPORT

Report by Amanda

Date of report: 21/03/2023

Ref:69205/FUL

Uhunmwagho

Registration: 23/01/2023

LDfC: 16/02/2023

Expiry Date: 20/03/2023

Site Visit: 13/02/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; single storey / two storey extension at rear with veranda and single storey extension at front

Location: 38 Sheepfoot Lane, Prestwich, Manchester, M25 0DL

Description

The application relates to a previously extended two storey property located on Sheepfoot Lane, Prestwich. Opposite the front of the site are the grounds of Heaton Park and to the rear is Watkins Drive. Watkins Drive has a lower land level to that of site and there is an area of land with trees and bushes between the site and Watkins Drive.

No.37 Sheepfoot Lane attached to the west has a single storey extension adjacent to the shared boundary and no.39 has recently been granted planning permission for a large development along with no.40 next door (reference 68596 - approved 23/01/2023), which includes a two storey extension along the shared boundary with site and a single storey canopy to the rear.

The proposal at no.38 is to build a two storey side extension, single/two storey rear extension with veranda and a single storey front extension. At the front the single storey extension would project 1m forward of the existing front elevation and 2.69m wide. It would infill an existing area under a canopy to the front of the property and the roof would remain hipped.

The two storey extension to the east side would measure 7.76m directly along the shared boundary with no.39 next door and across the rear it would measure 4.54m wide. The roof over the side extension and existing dwelling would be hipped with a pitched roof to the rear. There would be one rooflight to the front and rear of the roof and three to the side.

Adjacent to the shared boundary with no.37 the extension would be single storey with a flat roof and raised roof lantern. It would project 4.59m adjacent to the shared boundary. To the rear of the extension would be a single storey veranda projecting 1.6m from the rear elevation and measuring 7.57m wide. The roof would be flat.

The plans show that four solar panels would be installed to the rear of the dwelling. These are not part of the proposal and most likely being installed under permitted development rules.

Relevant Planning History

49775 - TWO STOREY EXTENSION AT REAR OF EXISTING TWO STOREY SIDE EXTENSION WITH SINGLE STOREY FRONT AND REAR EXTENSIONS; FRONT AND REAR ROOF EXTENSIONS AND NEW ROOF OVER TWO STOREY EXTENSION TO MAKE THIRD FLOOR - Approve with Conditions 21/05/2008

Publicity

Neighbours notified on 26/01/2023 - No comments or objections received.

Neighbour at no.39 Sheepfoot Lane issued notice and Certificate B signed on 23/02/2023.

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.

The main change to the front elevation would be the infill to the front to form a single storey extension and that the roof would be hipped up to the same level as the main ridge of the existing building. The proposed materials would match the existing and the overall character of the building would remain similar to the existing dwelling, when viewed from the front. As the first floor would remain as it is terracing would not be a concern in this instance.

Most of the development would be to the rear of the existing dwelling but the extensions would be built with materials and a design that would be considered to be in keeping with the existing building. The veranda would be constructed from aluminium which would be a different type of material compared to the rest of the building but it would be a light structure and single level only. As such its impact on terms of visual amenity would be minimal on the rear of the dwelling.

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 -

- There are no residential properties directly to the front of the site.
- At the rear there would be over 16m to the rear boundary which would be an acceptable distance in terms of SPD 6.
- Properties on Watkins Drive to the rear have a much lower land level to that on site and are separated by a highway and an area of land to the embankment which has trees and other planting on it. Homes on Watkins Drive would be over 35m from the rear of the proposed extension, which is more than sufficient in terms of SPD 6.
- To the front there would be 6.85m from the front of the single storey extension to the boundary with the highway. Parking on site would not be affected by the proposed front extension.
- The single storey rear extension would project 1.4m past the rear of the single storey extension at no.37 Sheepfoot Lane and the veranda would project a further 1.6m. This would take the total projection of extension to around 3m past the rear elevation of this property, which would be acceptable in terms of SPD 6. It is noted that this neighbour has not objected to the proposal.
- The 45° rule would be satisfied in terms of the relationship of the proposed two storey rear extension and ground floor windows to the rear of that property. It would also not have any significant detrimental impact on the enjoyment of the rear garden at no.37.
- Planning permission was granted at no.39 to the east in January 2023. This will be a joint development with no.40. The proposed two storey extension would encroach over the shared boundary with no.39 but as notice was served on this neighbour, Certificate B submitted, and the neighbour has not objected to the proposal this would be acceptable in this instance. Any concerns regard the party wall/boundary would be a civil matter between the relevant neighbours.
- The two storey extension would project around 1.15m past the rear of the proposed extension at no.39 but it would not project past the single storey rear extension. This

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would be acceptable in terms of SPD 6.

- The flat roof of the veranda would project around 570mm past the rear of the single storey extension at the rear of no.39.
- There would be no windows to either side elevation.
- The extended loft space would be used for storage only.

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 and the 45° rule from nearest relevant window of both adjacent properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front of the site. The area is also high access in terms of public transport.

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 A100A, A101A, A102A, A103A, A104A, A105A, A106A, A107A, A050A, A500A, A501A and A601 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 - 21/03/2023		HL	22/03/23