

DELEGATED REPORT

Report by Amanda

Date of report: 28/10/2022

Ref:68711/FUL

Uhunmwagho

Registration: 26/07/2022

LDfC: 14/09/2022

Expiry Date: 20/09/2022

Site Visit: 12/09/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension

Location: 19 Langley Avenue, Prestwich, Manchester, M25 3EB

Description

The application property is a two storey semi-detached house situated on a short section of Langley Avenue. There are just two dwellings facing east on this section of road with other properties on Langley Avenue to the south and homes on Langley Grange to the north. There is a large front/side garden at the property with a much smaller rear garden.

The proposal is to build a two storey side extension. Due to the angle of the north west boundary the extension would be built flush to the front elevation and then angled along the rear boundary. It would project 7m to the side. Due to the angled site the extension would be a maximum of 7.86m wide but just 2.9m to the north elevation. The roof would be hipped and the front elevation would be pitched to reflect the existing design of the application dwelling and the attached neighbour.

Relevant Planning History

N/A

Publicity

Neighbours notified on 23/08/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 proposed design and materials used in the construction of the extension would be considered to be in keeping with the existing building as well as with nearby properties..

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 -

- Properties to the front would be a sufficient distance from the extended property and as properties to the front of site have side elevations only facing the site there are no habitable room windows that would be affected by the proposed development.
- Properties on Langley Hall Road to the north of site would be more than a sufficient

distance from the extension not to have any significant detrimental impact on residential amenity. In addition there are very tall conifers to the north side of the site which screen views to and from these properties.

- No.12 Langley Grange is the closest neighbour, situated to the north west of the site and the rear elevation of that property is closest to the shared boundary with site. This property does not look directly towards the application property but any extension on site would potentially have a detrimental impact on residential amenity at this property due to the close proximity. However, the plans show that all of the proposed first floor windows in the extension, to the north and north west elevations would be obscurely glazed in order to retain privacy between the two properties. A condition would be added to the decision to ensure this remains in place at all times in the future.
- As the extension would be built wholly on the north side elevation of the property there would be no detrimental impact on residential amenity at no.17 Langley Avenue to the south.
- The existing parking area to the front of the site would be unaffected by the proposed development.

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.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has an area at the front for parking two vehicles and this would remain following the side extension being built. The area is high access in terms of public transport and there are no restrictions with regards to parking on the highway in front. In this instance then the parking arrangements are considered sufficient.

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 R-0628-01, R-0628-02 and R-0628-03 received on 26/07/2022 and revised drawings numbered R-0628-04 Revision D and R-0628-05 Revision C received on 10/10/2022 as modified by the email from Equilibrium Architects Ltd dated 10/10/2022. The development shall not be carried out except in accordance with the details 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.
- 4 Before the first occupation of the extension hereby permitted the first floor windows

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on the north and north-west elevations 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>
AU - 28/10/2022			