

DELEGATED REPORT

Report by Amanda

Date of report: 03/10/2024

Ref:71021/FUL

Uhunmwagho

Registration: 02/08/2024

LDfC: 29/08/2024

Expiry Date: 27/09/2024

Site Visit: 16/09/2024

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 extension at rear; installation first floor window to side elevation

Location: 10 Windsor Road, Prestwich, Manchester, M25 0DZ

Description

The application relates to a two storey detached house with a single storey rear extension. There is a walled garden to the front and driveway for one vehicle. There is space to the side of the property which was possibly used for parking in the past but an existing hedge along the shared boundary with no.12 Windsor Road prevents this. At the rear of the house there is a single storey kitchen extension. The rear garden has a wall and planting along the west boundary and fences and planting to the other two boundaries.

The proposal is to build a two storey rear extension projecting 4005mm x 7410mm wide. The roof would be dual hipped and the walls would be finished with brick and render and brick quoins to the rear corners to match the existing building. There would be one full length window to the rear elevation and bi-fold patio doors.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 08/08/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

PfE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PFE Policies 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 built to the rear of the existing building it would not be readily visible in the public realm. However, it would be built with a design and finished materials that would be considered to be in keeping with the existing building.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There would be around 10,600mm from the rear of the extension to the rear site boundary. This would be acceptable in terms of separation distances as set out in SPD 6.
- The extension would be around 1000mm away from the boundary with no.8 and around 2600mm away from the boundary with no.12 Windsor Road. As such there would be no concerns regards encroachment onto land at either of the adjacent neighbouring sites.
- As the extension would be around 1000mm away from the boundary with no.8 and would project around 600mm past the rear elevation of the two storey extension at that property it is considered that there would not be any significant detrimental impact on residential amenity at no.8 next door.
- The 45° rule would be satisfied regards windows to the rear of no.12 Windsor Road next door.
- There would be no windows to both side elevations of the rear extension.
- Due to the extension being built on the rear of the property and existing bedroom window would be repositioned to the side boundary. Given that the distance to the side boundary would be less than 7m (as set out in SPD 6) this window would be obscurely glazed and top opening only. A condition would be added to the decision to ensure that this particular window remains as obscurely glazed in the future. This would be to retain privacy levels between users of the room and their next door neighbour.
- As the extension would be to the rear of the original property it would not interfere with existing parking arrangements to the front of the site.

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 the adjacent 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 a vehicle and this would remain following the extension being built. There are no parking restrictions to the highway in front and the area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered ZT24-196-01, ZT24-196-02 and ZT24-196-03 received on 02/08/2024 and drawing numbered ZT24-196-04 received on 02/10/2024 as modified by the email from Thorp Design Services dated 02/10/2024. 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 in terms of visual amenity, and Places for Everyone Joint 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 new first floor bedroom window to the east side elevation shall be fitted with obscured glazing and be non-opening below an internal height of 1.7m, 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 - 03/10/2024		HL 04/10/24	