

DELEGATED REPORT

Report by Amanda

Date of report: 20/01/2021

Ref:66002/FUL

Uhunmwagho

Registration: 02/10/2020

LDfC: 26/10/2020

Expiry Date: 27/11/2020

Site Visit: 21/10/2020

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 rear extension and first floor front/side extensions (13 Windsor Crescent); First floor front/side extensions, single storey rear extension and first floor front extension (15 Windsor Crescent)

Location: 13 & 15 Windsor Crescent, Prestwich, Manchester, M25 0DD

Description

The application relates to a pair of two storey semi-detached houses on a residential road of similar properties. The neighbour to the north at No.11 has two storey extension with a single storey outrigger on the boundary with No.13. The neighbour at No.17 on the other side has not been extended and has a gap to the shared boundary with No.15.

There is a small wall along the frontage with parking spaces within the front garden accessed off Windsor Road.

The proposal would be built as one scheme but comprises two distinct parts:

On No.13 Windsor Crescent there would be a two storey rear extension and first floor front/side extension. The side extension would extend to the shared side boundary with No.11 with a setback at first floor and wrap around the rear and extend across the rear elevation to join up with the extension at No.15. At the front a single storey extension would extend across and join up with the same at No.15.

On No.15 Windsor Crescent there would be a first floor front/side extension extending out to the boundary with No.17 with a setback at the front and wrapping around the rear in the form of a part single/part two storey extension.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 05/10/2021. The initial objection from the occupier of 17 Windsor Road was withdrawn following the proposal being amended/reduced at the rear of No.15.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework

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 - Whilst sizeable, the extensions would be in keeping with the existing house and would not appear incongruous within the streetscape particularly as the hipped roof design is being retained to maintain the character of the road. The extensions would be constructed in brick and tile to match the existing houses. The proposal is acceptable in

terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - There are no habitable room windows overlooking neighbours. The ground floor side windows in No.15 would be obscure glazed/non-opening - secured by a condition.

The extension on No.13 would be acceptable in terms of No.11 given the existing two storey extension on that property extending up to the shared side boundary. This would mean that the extension would project only 1.3m beyond the rear elevation of No.11 and comply with the '45 degree rule' set out in SPD6

With regards to the impact on No.17, the extensions at No.15 are on the boundary but there is a gap to the neighbour. The initial plans as submitted did contravene the 25/45 degree rule and the neighbour at No.17 voiced concerns. The plans were revised to address this and the neighbour subsequently formally withdrew her objection.

Parking - Although the houses would be extended at the front by approx 800mm, the existing parking within the frontage of both properties would be unaffected. It is noted that the kerbs on the existing footway into the parking spaces need realigning and it is considered that an appropriate condition should be attached to the decision notice to require this to be carried out in the interests of highway safety.

Neighbour comments - The initial objection from the neighbour at No.17 Windsor have been withdrawn after revised plans were submitted.

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.
- 2 This decision relates to drawings numbered PL-002, 003, 004, 005, 006, 007, 008, 009 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted at No.15 Windsor

DELEGATED REPORT

Road, the ground floor side windows on the south/side elevation shall be fitted with obscured non-opening 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.

- 5 The extensions hereby approved shall not be occupied unless and until details of the vehicular crossings in front both properties (Nos.13 and 15 Windsor Road) have been implemented to an agreed specification and to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highway design in the interests of road safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU/TB	20/01/2021	DM	21/01/2021