

DELEGATED REPORT

Report by Amanda

Date of report: 17/08/2022

Ref:68518/FUL

Uhunmwagho

Registration: 27/06/2022

LDfC: 20/07/2022

Expiry Date: 22/08/2022

Site Visit: 25/07/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at side; elevational changes including installation of bi-folding doors at rear and new external door to side elevation

Location: 38 Scholes Lane, Prestwich, Manchester, M25 0AY

Description

The application property is a previously extended semi-detached house with gardens to the front and rear of the main dwelling. There is a single parking space to the front of the site with on street parking available to the highway in front. At the rear there is a single storey extension with an external boiler cupboard. There is a small area of decking directly to the rear of the property.

The proposal is to add a first floor extension at side along with elevational changes including installation of bi-folding doors at rear and new external door to side elevation. The existing boiler cupboard would be removed.

Relevant Planning History

50015 - Single storey extension at side - Approve with Conditions 13/06/2008

Publicity

Neighbours notified on 29/06/2022 - 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.

The proposed extension would be built with materials and a design that would be considered in keeping with the existing building.

The removal of an external boiler cupboard and changes to openings on the rear elevation would not have any significant detrimental effect on the character of the existing street scene. The design of the proposal is considered acceptable in this location.

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 and rear of the site are a sufficient distance from where the

proposed extension would be built and would not be significantly detrimentally affected by the development.

- There would be no changes to the rear elevation adjacent to no.40 attached to the east side of the application dwelling.
- No.36, unattached has single storey extensions to the side and rear of the property and there appears to be a ground floor habitable room window to the side elevation facing the application property. However, it could be possible that this window was a secondary window to this particular room prior to the rear extension being built. This window faces on to the side elevation of the application property and as such the introduction of a first floor level would not have any significant detrimental impact on this window. It is also noted that the neighbour has not objected to the proposal.
- There would be a ground floor entrance door and window installed to the side elevation. As this would be to a 'boot room' which is classed as non-habitable it would not have any significant detrimental effect on residential amenity at no.36 next door.
- A single upper floor window would be installed to the side elevation. The plans show this would be obscurely glazed. A condition would be added to the decision to ensure that this window remains obscurely glazed at all times in order to retain privacy levels between the two properties.
- There would be no change to the front elevation and the existing parking arrangements would not change.
- At the rear there would be around 9.5m from the new first floor window to the rear boundary. This would be acceptable in terms of SPD 6.

Taking the above in to account 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 residential amenity.

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 garden and drive.

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 199(00)02 P01, 199(00)02 P01, 199(10)10 P01, 199(10)11 P01, 199(10)12, 199(10)20 P01, 199(15)01 P01, 199(20)02 P01, 199(20)03 P01, 199(20)04 P01, 199(200)01 P01, 199(200)02 P01, 199(200)03 P01, 199(200)04 P01, 199(200)05 P01, 199(200)06 P01 and 199(300)01 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

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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 window to the side elevation 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 - 17/08/2022			