

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 16/11/2022 | <b>Ref:</b> 68580/FUL          |
| <b>Registration:</b> 07/09/2022 | <b>LDFC:</b> 03/10/2022           | <b>Expiry Date:</b> 02/11/2022 |
| <b>Site Visit:</b> 12/10/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear/side extension; Alterations to rear tiered garden to make patio space

**Location:** 147 Rectory Lane, Prestwich, Manchester, M25 1DH

**Description**

The application relates to a semi-detached dwelling house located on Rectory Lane. The dwelling is located on a plot that sits higher than the road and has an area of garden to the front. There is a drive that runs from the front of the property down the side and a further area of garden to the rear.

Planning permission is sought for a single storey side/rear extension. The extension will project out approximately 0.8 metres to the side and 3 metres to the rear. The proposed extension would have a flat roof with two rooflight and will be constructed of materials to match the existing dwelling.

**Relevant Planning History**

68584 - Prior approval for single storey extension at side/rear and alterations to rear patio - Withdrawn - Invalid 23/06/2022

**Publicity**

Neighbour letter sent 12/09/2022. No objections received.

**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 |

**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**

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 considered suitable in terms of scale and design and would not overwhelm the original dwelling or lead to over development of the residential amenity space. The proposed extension would be modest and replicates the design of the original dwelling. The side element of the extension would be visible from the street. However, given its location to the rear and the site's elevated height it would be largely screened from view. Therefore, the development would not be detrimental to the character of the street scene or the original dwelling. Furthermore, the use of matching materials would be appropriate for this development.

### **Residential amenity**

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no side windows proposed and the distance to the rear boundary is considered sufficient.
- The proposed extension would not project out from the existing building line more than 3m, beyond which the 45-degree rule would apply.
- In terms of the general prominence and impact on daylight the proposed extension is slightly set off from the shared side boundary and would not project to the rear beyond No.145 Rectory Lane and any overshadowing would not be seriously excessive above and beyond the existing situation.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

**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 drawing numbers: 0127\_B1\_02\_1000, 0127\_B1\_04\_1000, 0127\_B1\_00\_2000, 0127\_B1\_02\_2000, 0127\_B1\_04\_2000, 0127\_B1\_00\_2001, 0127\_B1\_05\_2000 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 plus rendering as outlined in drawings submitted.  
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> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 16/11/2022  |                         |             |