

DELEGATED REPORT

Report by Mo Warsame	Date of report: 11/10/2024	Ref: 70949/FUL
Registration: 20/08/2024	LDfC: 11/09/2024	Expiry Date: 15/10/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey rear extension; Front porch

Location: 6 Holmfield Avenue, Prestwich, Manchester, M25 0BH

Description

The property is the end one in a row of 3 and a two storey bay fronted house located at the end of a cul de sac. It has a paved drive to the front and a paved patio area at the side. To the rear is a garden at a slightly raised level enclosed by wooden panel fencing.

The adjoining property No.7 has been extended with a conservatory at the rear. No.5 is located to the east side and set side on. It is a detached house with the side elevation having two ground floor windows towards the back half of the property and at first floor an obscure glazed window in the middle.

To the rear of the site the garden borders that to two semis at 2 & 4 Sedgley Park Road whose rear elevations face and have single storey extensions.

Planning permission is sought for a two storey side/rear extension which would have a chamfered corner to the front. It would come out 3m at the side and set back 0.5m from the front. It would run for 9m along the side boundary, 1.7m of which would extend beyond the rear elevation. This element would run across the width of the rear elevation as two storey. The proposal would also include a single storey rear extension projecting 8m to the rear and running 4.3m to the side. The development would facilitate two additional bedrooms on the first-floor and provide a new living room, kitchen extension along with a bathroom on the ground floor. The development would have a pitched roof over the two storey element and a flat roof over the single storey extension. The proposed development would also be constructed using matching materials.

Relevant Planning History

56699 - Two storey extension at side / rear and single storey extension at rear - Approve with Conditions 17/10/2013

Publicity

Neighbour letters sent. One objections received.

The objection relates to the concern that the development would lead to the loss day/sunlight light currently enjoyed.

Update: Amended plans have since been received mitigating the concerns above.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

SPD 6 seeks to retain a minimum set of 1.5 metres on the first floor from the principal front elevation. The proposed development would a setback distance of 0.5 metres from the proposed first-floor. However, given there would be a vast setback distance (between 1.5m to 3.5m) to the shared side boundary, the proposed development would not lead to unnecessary terracing effect. Situated to the side and rear, the two-storey side and rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. It would have a pitched roof to replicate the style of the host property.

The proposed single storey extension would have a flat roof. However, it would be considered acceptable. Given, the extension would be relatively modest structure, and it would not be visible from the street scene at the front of the house.

Overall, the development would be constructed using matching materials and the design would be in keeping with the character of the host dwelling. As such, the proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed single storey rear extension would be screened by existing boundary treatments.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. Therefore, the projection of 8m may be excessive. However, given the property is located on a large plot of land with substantial rear garden and considering the Larger Homes Scheme along with the fact that the adjacent neighbours have not objected to this application the proposed projection of 8m to the rear would be considered acceptable. Furthermore, the 45-degree rule would not be encroached following assessment.
- There would be no proposed side windows facing towards the adjacent properties except for the side windows from the proposed ground floor morning room (P 007). However, these windows would have a sufficient setback distance from the shared side boundary and it would be screened by the existing high fencing.
- Proposed first floor rear bedroom window would be located approximately 13 metres from the directly facing rear boundary exceeding the 7 metres required by SPD 6.
- Proposed first floor front bedroom window would be separated by a highway and would not project any further forward than the existing window arrangement. Proposed front ground floor window would relate to a non-habitable room.

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.

Parking

The proposal will result in two additional bedrooms, however there will be no changes to the current parking arrangement. The current parking condition meets the maximum parking requirements.

Response to Objection

The report have addressed the main concerns of this neighbour. There would not be any significant detrimental impact on the neighbouring properties. Furthermore, the objection relates to the original scheme submitted initially under this application. Amended plans have since been submitted and this report has highlighted that there would no longer be any adverse impacts.

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 the revised drawings received on 11/10/2024 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	11/10/2024	DM -	14/10/2024