

DELEGATED REPORT

Report by Amanda

Date of report: 09/10/2024

Ref:71135/FUL

Uhunmwagho

Registration: 12/09/2024

LDfC: 08/10/2024

Expiry Date: 07/11/2024

Site Visit: 30/09/2024

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: Single storey rear extension and first floor rear infill extension

Location: 41 Windsor Crescent, Prestwich, Manchester, M25 0DD

Description

Planning permission was previously granted at this property for a single storey rear extension and first floor in-fill extension in September 2021. The current application has been submitted due to the fact that they have not commenced the approved works within three years of the previous approval. The current proposal is identical to what has been approved.

The application relates to a previously extended two storey semi-detached house. It has been extended to the side and rear of the original dwelling. The front area of the site is paved for parking and access to the rear garden is through the property. The rear garden area is completely paved with fences to all boundaries and there is a shed near the rear boundary.

The proposal is to add a first floor rear extension which would be in the gap in between the existing first floor extension and the west boundary. The extension would project out to the same point as the existing first floor extension and it would measure 2558mm wide. The roof would be hipped.

The single storey rear extension would project 4300mm from the existing rear elevation and it would measure 8035mm wide. The roof would be pitched with four rooflights and the plans show that all of the extension would be built within the site boundary.

Relevant Planning History

- 44829 - Two storey side extension; single storey rear extension - Approve with Conditions 25/08/2005
- 48110 - First floor extension at side. Two storey extension at rear - Approve with Conditions 09/07/2007
- 02453/E - Single storey/two storey rear extension - Withdrawn - Invalid 21/09/2020
- 02544/E - Single storey/two storey rear extension; Single storey front extension - Withdrawn - Invalid 12/05/2021
- 67089 - Single storey rear extension; 1st floor rear infill extension - Approve with Conditions 13/09/2021

Publicity

2 neighbours notified on 16/09/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
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) 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 on the rear of the property and as such would not be visible in the street scene. In addition it would be finished with materials and design that would be considered in-keeping with the existing property as well as neighbouring dwellings. With this in mind the proposal would not have any significant detrimental effect on visual amenity in the immediate area.

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 -

- There are no properties directly to the rear of the site but the first floor extension would be over 11m from the rear boundary which would comply with the aspect standard requirements as set out in SPD 6.
- As the first floor extension would not project beyond the rear elevation of the existing first floor extension views from the new window would have no more of an impact on residential amenity at the adjacent properties than the existing first floor room windows do already.
- The first floor extension would remain slightly set back from the rear elevation of the attached property.
- The single storey rear extension would project around 3000mm beyond the rear elevation of the single storey extension at no.39 Windsor Crescent and around 3400mm past the rear elevation of no. 43, attached. Taking in to account the larger homes scheme requirements and that neither of the adjacent neighbours have objected to the proposal it is considered that the single storey rear extension would not have any significant detrimental effect on residential amenity at these properties.
- To the rear of the extensions there would be over 7000mm to the rear boundary leaving a good area of amenity space to the rear of the dwelling and the proposed plans show that there would be no overhanging of either of the side boundaries.

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 the impact on the adjacent dwellings.

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 drive at the front of the site.

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 E-PL-001, E-PL-002, P-PL-001 and P-PL-002 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 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 be brick and render to the walls as noted on the approved drawings with roof tiles to match the existing.
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>
AU - 09/10/2024		DM - 17/10/2024	