

DELEGATED REPORT

Report by Mo Warsame	Date of report: 15/09/2023	Ref: 69823/FUL
Registration: 24/07/2023	LDfC: 14/08/2023	Expiry Date: 18/09/2023
Site Visit: 08/09/2023	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front and side extension and two storey rear extension

Location: 1 Laburnum Grove, Prestwich, Manchester, M25 3DW

Description

The property is a two-storey semi-detached house located along a cul de sac. It has a small garden to the front and a larger slopping garden to the rear. The adjoining property is No.3 and on the opposite side, the property shares boundary with No.1 and No.3 Nursery Road. To the rear, the property shares boundary with No. 5 Nursery Road which is a new built modern development.

Planning permission is sought for single storey front and side extension along with part single, part two storey rear extension. The single storey elements of the development would project 1.35m to the front, between 1.5m and 1.8m to the side and 3m to rear. The two-storey element to the rear would extend 2m above the single storey rear extension. The development would accommodate a new garage and utility room along with an open plan kitchen/diner on the ground floor. On the first floor, the existing bedroom and bathroom to the rear would be extended. The proposal would be constructed with matching materials and would have pitched roofs on the ground floor and a hipped, pitched roof over the two-storey extension.

Relevant Planning History

69821 - Single storey front porch extension, two storey extension at front/side/rear and single storey extension at side/rear (larger scheme)

Publicity

Neighbour letters sent. 2 objections received.

Comments

Some of the comments from the two objections relates to the two-storey side extension which is proposed on application 69821. This was submitted on the same time as this application and was proposing a larger scheme with two-storey side extension. The other comments concerns the impact of the proposed two storey rear extension proposed in this application.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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

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.

The proposed development would be a wrap-around front, side, and rear extension with

part two storey element. The development would project 1.35m to the front, between 1.5m and 1.8m to the side and 3m to rear. The two-storey element to the rear would extend 2m above the single storey rear extension. The extensions would have simple and unobtrusive design, which would not detract from the character of the dwelling.

Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The single storey rear element would extend approximately 3 metres to rear, and it would not project beyond the single storey extension of the adjoining property. Additionally, there would be over 20 metres to the rear boundary exceeding the 7 metres required by SPD 6.
- SPD6 states for two-storey developments, where the extension would be on or adjacent to the boundary of another dwelling it should not project more than 1 metre from the rear wall of the neighbouring property. The extension should not encroach beyond 45° angle taken from the boundary at the 1 metre point. The proposed two-storey extension would project 2 metres along the shared boundary. However, it would not encroach the 45° angle when taken from the 1 metre point and any overshadowing would not be seriously excessive above and beyond the existing situation.
- The two-storey rear extension would have no proposed side windows and there would be 13 metres to the properties on the side (Nursery Road) and over 20 metres to the shared rear boundary exceeding the 13 metres required by SPD 6.
- The single storey side extension would be shaded by high scrubs and fencing. Furthermore, there would be no proposed side windows facing the shared side boundary.
- The proposed front extension would be modest and would not interfere with the existing parking arrangement.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal will result in no additional bedroom and there will be no changes to site access, or parking. The parking at its current condition meets the maximum parking requirements.

Response to Objections

Some of the concerns relates to the two-storey side extension which is proposed on application 69821. This was submitted on the same time as this application and was proposing a larger scheme with two-storey side extension. However, the proposal for this application involves a single storey side extension instead of a two-storey side extension.

Therefore, any concerns relating to this issue should be discarded as the single storey side extension would not have any detrimental impact on the adjacent neighbours. Furthermore, the single storey side extension would be shaded by high scrubs and fencing and would not have any proposed windows on the side facing the shared boundary.

The other concerns relates to the two-storey rear extension proposed on this application. However, as highlighted in this report, the proposed two-storey rear extension would have no significant impact on the adjacent neighbours. There would be 13 metres to the properties to the side, over 20 metres to the shared rear boundary and there would be no proposed side windows. Furthermore, it would not encroach the 45° angle on the attached neighbour (No. 3 Laburnum Grove) when taken from the 1 metre point and any overshadowing would not be seriously excessive above and beyond the existing situation.

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 1, 2, 3, 4, 5, 6, 7 (Amended Site Plan) 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 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	15/09/2023		