

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/10/2024	Ref: 71036/FUL
Registration: 20/08/2024	LDFC: 13/09/2024	Expiry Date: 15/10/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor rear extension and alteration and conversion of detached garage.

Location: Lilac House, 2A Lilac Grove, Prestwich, Manchester, M25 3DT

Description

The application relates to a two storey semi-detached house on a residential road of similar styled properties. Garden to rear and side. There is a children's nursery to the rear of the site, fronting Bury Old Road.

Planning permission is sought for the erection of a first floor rear extension and the alteration and conversion of the existing detached garage. The first floor rear extension would project 1.6m to the rear to align with the principal rear elevation. The garage would undergo external alterations and would be converted to habitable. The development would be constructed using matching materials and facilitate extensions to existing bedrooms and bathroom on the first floor of the main dwelling along with habitable spaces on the existing garage.

Relevant Planning History

70766 - Two storey extension at side and rear dormer. - Approve with Conditions
09/08/2024

Publicity

Neighbour letters sent. No objections received.

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.

Situated to the rear, the first-floor extension would not be visible from the street scene. Furthermore, It would be a modest structure that would not project beyond the principle rear elevation. The extension would also be a simple and unobtrusive design, which would not detract from the character of the dwelling.

The alterations and conversion of the existing detached garage would be acceptable given its simple unobtrusive design. Additionally, it would not increase in size and the external alteration would be minimal as such, it would not have any significant detrimental impact on the character of the existing property and the street scene. Moreover, it would be positioned at the side away from the driveway and the main dwelling and therefore it would not interfere with parking. Overall, the design of the proposal is considered acceptable in this location.

Residential Amenity

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

- In terms of overlooking and privacy, there would be no new habitable windows proposed on either side of the first-floor extension and the distance to the rear boundary is considered sufficient. Moreover, the property is appropriately setback from all the adjacent properties.
- Following the application of the 45-degree rule it is considered that there would be no detrimental impacts as the first floor extension would be sufficiently setback from both neighbour's boundaries. Furthermore, none of the adjacent neighbours have objected.
- The size of the detached garage would be unchanged and the existing high fence would screen the garage from the neighbouring properties. There would also be no proposed windows, only the proposed roof lights which would be acceptable. Overall, there would be no residential amenity issues arising and as such complies with UDP Policy and guidance on domestic extensions.

Highways

The proposal will not result in changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 dwg no.01, dwg no.02, dwg no.03 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	24/10/2024	JT - 24/10/2024	