

DELEGATED REPORT

Report by Mo Warsame	Date of report: 29/10/2024	Ref: 71092/FUL
Registration: 21/08/2024	LDfC: 25/09/2024	Expiry Date: 16/10/2024
Site Visit:	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: Part single/part two storey side extension and replacement front porch.

Location: 28 Kenilworth Avenue, Whitefield, Manchester, M45 6TG

Description

The property is a semi-detached in brick located in residential street of similar styled properties. The dwelling has a garden and drive to the front and a larger garden to the rear. To either side of the property are No.26 Kenilworth Avenue and No.30 Kenilworth Avenue, which is the adjoining property.

Planning application is sought for the erection of a new front porch measuring 1.46m by 1.02m and part single/part two storey side extension to provide a kitchen extension, bathroom and a study on the ground floor along with an additional bedroom on the first floor. The extension would project 2m to the side and it would have 1.5m setback on the first floor. The two storey element would not project beyond the principal rear elevation but the single storey element would extend 3m to rear. The development would be constructed using matching materials and would have pitched roof.

Relevant Planning History

None.

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 and design

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 part single/part two storey side extension would be considered in-keeping with the existing property. Positioned at the side, the extension would be visible from the public arena, however the proposed materials would match existing. Furthermore there are number of properties within this street with similar extensions. As such, the proposed part single/part two storey side extension would be subservient to the main property and therefore considered to be acceptable.

The proposed front porch extension would be visible from the street. However, this extension would be considered simple and unobtrusive and as such would not detract from the character of the original dwelling.

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 not extend beyond 3 metres along the shared boundary with the adjoining property and there would be sufficient distance to the rear boundary which would be acceptable.
- There would be no proposed side windows from habitable room facing any adjacent neighbouring property. The only proposed side window would be from the proposed ground floor bathroom. However, it would be screened by the existing high fence. Therefore, there would be no detrimental impact on adjacent neighbours.
- The two storey element would not encroach the 45° rule as it would not extend beyond the principal front and rear elevations. Therefore, the development would be acceptable.
- The properties to the front would be over 20m from where the front porch extension would be built.

Parking

The proposal will result in 1 additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets 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:00, DWG:01, DWG:02, DWG:03, DWG:04 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.
- 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	29/10/2024	DM -	29/10/2024