

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 08/04/2022 | <b>Ref:</b> 68052/FUL          |
| <b>Registration:</b> 17/02/2022 | <b>LDFC:</b> 17/03/2022           | <b>Expiry Date:</b> 14/04/2022 |
| <b>Site Visit:</b> 14/03/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension; external alterations including new first window to side elevation and brick detail to side door

**Location:** 11 Malvern Close, Prestwich, Manchester, M25 1PH

**Description**

The property is a bay fronted semi detached house. It has a drive and garden to the front and a path to the side leads round to a fenced rear garden. The adjoining neighbour is No.9 and to the rear is extended with a conservatory. To the opposite side No.13 sits with a deeper rear elevation to the site. The rear site garden borders that to 166 Heys Road.

The application proposes a single storey extension at the rear 3m deep across the full width. It would form an extended kitchen. To the existing first floor side elevation a bathroom window would be added and at ground floor the existing door bricked up and moved to be adjacent. The scheme has been revised from that as originally submitted for part of the extension to be two storey as it would not have complied with SPD6 Aspect Standards.

**Relevant Planning History**

None.

**Publicity**

Surrounding neighbours were notified by letter and no responses have been received.

**Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

**Unitary 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) 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 and design** - The extension would have a monopitch roof with roof lights and bi fold doors to the rear elevation. Materials would be brickwork to match and roof tiles of a colour to match.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

**Parking** - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Parking to the front drive would not be affected.

**Residential amenity** - The proposed extension would not project more than 3m from the rear of either adjacent neighbouring properties with No.13 being set deeper at the rear and No.9 extended with a conservatory. The additional window to the first floor side elevation would be to a bathroom converted from an existing bedroom. It is noted on the plans to be obscure glazed and a condition is added for it to be retained as such.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

### **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 drawings numbered ZT21-196-00, ZT21-196-01, ZT21-196-02, Revised plans ZT21-196-03, ZT21-196-04, ZT21-196-05 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      Before the first occupation of the extension hereby permitted the proposed window to the first floor side elevation shall, as noted on plan ZT21-196-04, be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with 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><br>JL | <u>Date</u><br>08/04/22 | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------------|-------------------------|-------------------------|-------------|