

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/10/2023	Ref: 69958/FUL
Registration: 29/08/2023	LDFC: 21/09/2023	Expiry Date: 24/10/2023
Site Visit: 25/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey extension to ground floor flat; alterations to side elevation and 1.8m high fence to side and rear boundary

Location: 64 Whittaker Lane, Prestwich, Manchester, M25 1ET

Description

The site is a ground floor flat and part of a two storey building containing 4 flats. The flat above the site is 64A and adjoining 62 & 62A. To the opposite side is a building of the same design with further flats and 66 & 66A are adjacent the site separated by a covered walkway that links the buildings. To the rear the building projects out two storey across part of the rear elevation that is away from the party wall side. There is a small fenced garden and this is included in the red edge as part of the application site. The rear boundary borders the rear gardens to 3 & 5 Grosvenor Street.

The application proposes a single extension at the rear it would be flat roofed and infill the area adjacent the two storey section approximately 2.2m deep, 3.2m high and running for 2.8m across up to the party wall side. The extension would form an extended bedroom and with the existing bathroom converted to a bedroom. The existing store would become a shower room and this would see a window blocked up and the entrance door moved along the side. The plans also note the addition of 1.8m high concrete post and timber panel fencing to the rear and east side boundary.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and two responses have been received from nearby neighbours. Their concerns in summary are :-

- Object as there has been no direct approach. View could change if this takes place.
- Installed fencing last year and would like discussion. Want to ensure fencing matches and would like a condition to any approval for this and agreement before changes. Should be done on same day as removal in order to maintain security
- Happy to have a discussion on the details of the extension if it comes close to our garden
- No mention of length, width and height of extension
- What sort of roof ? Flat or pitched.
- Not mentioned in the application, there are pipes on the outside wall for draining of the sink, shower and toilet. Not mentioned in the application about the applicant responsibility to sort it out.

Statutory/Non-Statutory Consultations

Property & Technical Services (Estates Consultancy) - No comments received.

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 - Located to the rear the proposed extension would not be visible from the main street view. It would be flat roofed with doors to the rear and the walls

finished in brick to match the existing.

The fencing would be concrete post with timber panels, a typical material for domestic boundary treatment.

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 increase the number of bedrooms from 1 to 2 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 1.5 parking spaces for a high access area. The front garden is currently being used for parking, whether this is the site or another flat is not known however there are parking restrictions on Whittaker Lane and no drop kerb for the garden being used as parking. Unauthorised parking would be a matter for Highways enforcement. The proposal would not see the loss of any parking and the site is located in close proximity to bus services and a metrolink station. As such there are not considered to be grounds for refusal with regard to parking.

Residential amenity - The proposed extension would be single storey and project less than 3m from the rear of 62 Whittaker Lane. This would comply with the criteria as set out in SPD6. Certificate B has been completed in respect of the flat above.

At 1.8m the fencing would be under the 2m height that is generally permitted development.

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

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

Response to neighbour comments/objections -

It is the applicants choice as to whether to enter into discussion prior to the submission of an application.

Planning cannot protect a view and the proposed extension complies with SPD6 with regard to single storey extensions.

The fencing to match that to a neighbouring property, and when the work is carried out, is a matter between the neighbouring parties. It would not be reasonable to impose a condition for these issues.

The submitted plans are scaled drawings and show the extension roof as flat.

Drainage and pipework is not part of the assessment of a planning application but a constructional matter.

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 1238:01, 1238:02, 1238:03, 1238:04 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	10/10/2023		