

DELEGATED REPORT

Report by Tom Beirne	Date of report: 21/08/2024	Ref: 70890/FUL
Registration: 02/07/2024	LDfC: 26/07/2024	Expiry Date: 27/08/2024
Site Visit: 21/08/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension; New access of driveway and vehicular dropped crossing

Location: 9 Nursery Road, Prestwich, Manchester, M25 3EW

Description

The application relates to a two storey detached house on the corner of Nursery Road and Birch Close. Single storey side extension on the north side, adjacent to Birch Close. Existing driveway from Nursery Road. The immediate neighbour at No.7 has a garage on the side shared boundary.

The proposal involves adding a single storey garage extension to the south side of the house and amending the vehicular access. The extension would project out from the side by 7.3m and run from front to rear (10.7m). The extension would accommodate a garage, store and laundry room. The roof would be hipped and finishing materials - red brick and tile - to match the house.

The driveway would be relocated slightly to the north, to line up with the garage entrance and the existing dropped kerb reinstated.

Relevant Planning History

65722 - Single storey side extension - Approve with Conditions 25/01/2021

70375 - Single storey side extension; Extension of driveway and vehicular dropped crossing - Approve with Conditions 23/02/2024

Publicity

Immediate neighbours notified by letter dated 05/07/2024. No objections.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

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 PpE 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 - The extension is in keeping with the design and appearance of the house and would not appear incongruous within the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 extensions and alterations.

Residential amenity - Given the siting of the extension in relation to immediate neighbours, there are no residential amenity issues arising. The proposal complies with UDP Policy H2/3 and guidance in SPD6 extensions and alterations with regards residential amenity.

Access and parking - The existing access would be moved slightly north but be essentially have the same relationship with Nursery Road. The existing boundary wall would remain. No new gates are indicated. In terms of visibility the wider access would be an improvement on the existing access. The proposal is acceptable and complies with UDP

Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

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 1-3 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The proposed driveway at the front of the property shall be constructed in such a way that the area is permeable/porous as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens".
Reason: To secure the satisfactory development of the site pursuant to UDP Policy H2/3 Extensions and alterations.
- 5 The access arrangements indicated on approved plan reference SHT 3 of 3, incorporating the provision of a new footway crossing, reinstatement of the redundant footway crossing to adjacent footway levels, demarcation of the limits of the adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, shall be implemented to the satisfaction of the Local Planning Authority prior to the development and widened driveway hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and alterations.
- 6 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The

facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	21/08/2024	HL - 21/08/2024	