

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 15/12/2021

Ref:67659/FUL

Registration: 12/10/2021

LDfC: 18/11/2021

Expiry Date: 07/12/2021

Site Visit: 03/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension

Location: 32 Barnard Avenue, Whitefield, Manchester, M45 6TY

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. There is an existing single-storey side and rear extension which protrudes from the original house by 2.3m and 4.0m respectively. The attached neighbour has no rear extension. The unattached neighbour has a small single-story rear extension set apart from the boundary and a detached garage adjacent to the boundary. At the rear there is nothing substantial in terms of boundary treatment. The existing driveway measures 12.3m in length.

Planning permission is sought for a two-storey side single storey extension with a new gable roof and provide a new home office at ground floor plus new enlarged 3rd bedroom at first floor. The new extension would match the width of the existing side extension (towards the rear end of the driveway) and the front building line would therefore occupy almost the full width of the curtilage of the property while leaving a gap of 22cm to the shared boundary. Proposed materials would match existing. Due to the extension the driveway length would be reduced to 6.8m but widened to allow for two perpendicular spaces.

The proposal does not affect the existing outdoor amenity space at the rear.

Relevant Planning History

None

Publicity

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Immediate neighbours notified by letter dated 28/10/2021 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the side, the extension would be readily visible from the

public arena, however the applicant has agreed to set back the first-floor section by an acceptable distance to prevent a terracing effect. At the rear of the first-floor extension the applicant has agreed to provide an additional window therefore reducing the impact of an otherwise large section of blank wall as viewed from the rear.

The new gable roof would reach a height of 6.7m and its roof pane would match the angle of the main roof. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 13.8m separation distance to the rear boundary from the first floor extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to both the attached neighbours as it complies with the '45-degree rule' within SPD6. Overlooking is minimized by the fact the proposed rear bedroom window is set back an acceptable distance. There are no side windows proposed.

In terms of the general prominence and impact on daylight the extension is set within the existing front and rear building line and its impact would be minimal. Any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways - The proposal would involve changes to existing parking arrangements by reducing the length of the driveway (currently long enough for two cars) and replacing this with a shorter driveway (wide enough for two cars). Consequentially there is no change to the overall number of spaces, and the new parking layout would be an improvement allowing access to either vehicle with direct access to the public highway.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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 ZT21-196-04 Rev.A, and 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.

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- 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.
- 4 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	16/12/2021	DM	16/12/2021