

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/04/2023	Ref: 69203/FUL
Registration: 23/12/2022	LDFC: 28/03/2023	Expiry Date: 17/02/2023
Site Visit: 08/02/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side and rear extension; Single storey rear extension

Location: 17 Bannerman Avenue, Prestwich, Manchester, M25 1EA

Description

The application relates to a two storey, grey rendered, semi-detached house on a residential cul-de-sac of similar styled properties. The house is set forward of the immediate neighbour at No.15 and has a shared driveway to the side and a second parking space in front of the house. The attached neighbour at number 19 has not been extended.

The proposed two storey side extension would set back 2m from the front elevation and project out 1.3m to the side. It would run back, 3m beyond the rear elevation and wrap around the rear. The two storey element of the rear extension would drop down to single storey and would be set off from the shared side boundary with No.19 by 3m. The extension would accommodate a small store and extended kitchen diner at ground floor and an extended bedroom and bathroom at first floor. The roof would be hipped and carry over onto the main roof. The extension would be rendered and tiled to match the house.

Relevant Planning History

64522 - Erection of front porch - Approve with Conditions 05/09/2019

Publicity

Immediate neighbours notified by letter dated 07/03/2023. On objection received. The proposed full height side extension would cause loss of light at the side of No.15. Also depending on the roof construction extensive loss of daylight to No.15 house internally, to the access front and rear, pathway, and reduce light to front garden area.

No17 is set prominently to the front of No15 and the full height side of No17 is the front view of No15, this would be considerably closer based on the current plan to build to the boundary. Exact measurements regarding the boundary have not been provided.

The proposed side extension will make maintenance of the side of both No.15 and No.17 extremely limited as there would be little more than a full height narrow passage between the two properties.

The proposed extension will remove the remaining shared off-road parking spaces, that spans over the boundary, and is accessed by a dipped curb.

The case officer also visited residents at No.19 who expressed some concerns about impact of extension and noise from construction.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The side extension is set back from the front and relatively modest in scale with a hipped roof to match the existing house and streetscape. The rear extension is in keeping with the design and appearance of the house and would not be readily viewed from the public realm.

The extension, in terms of visual amenity is acceptable and complies with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

Residential amenity - The extension, along the shared side boundary with the attached neighbour at No.19 Bannerman, would be single storey and extend out 3m. This would be in accordance with guidance and would not have a serious impact on the residential amenity.

On the other side, the two storey side extension would be set back and only project out 1.3m to the side boundary. In terms of impact on the residents at No.15, whilst it would be adjacent to the shared boundary at the front, it would be viewed in a similar way to the side elevation of the existing house and would not have a significant impact on light onto the neighbour's property. The window closest to the side extension would be a kitchen diner which is a 'through-room' with windows both on the front and rear elevations. Extending back to the rear, the extension would be adjacent to the gable of No.15 which is blank and would have little impact on residential amenity.

In terms of residential amenity the extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking and Access - When originally built as council housing, Nos.15 and 17 shared a driveway. It is not clear who has rights to park on the driveway as the boundary runs down the middle. Currently, it appears that the applicant parks on the frontage and also uses the driveway for parking. The neighbour at No.15 parks on the road frontage with an additional on-site parking space in the front garden, accessed from the existing dropped kerb.

Although the side extension would reduce the length of the existing driveway to 9.3m, the impact on parking would not be so serious as to warrant refusal given the existing parking arrangement. It is also noted that under 'permitted development' rights, the applicant could extend out to the side, over the existing drive without planning permission.

In terms of parking and access, the proposal is on balance, acceptable and complies with UDP Policy H2/3 and associated guidance.

Representation - The concerns of the neighbour at No.15 Bannerman Avenue have been addressed in the above report.

Concerns about noise from construction would be controlled by Environmental Health legislation.

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

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of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 001, 002, 003/4 and 004/1 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/04/2023	HL	04/04/23