

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/05/2023	Ref: 69526/FUL
Registration: 13/04/2023	LDFC: 05/05/2023	Expiry Date: 08/06/2023
Site Visit: 26/04/2023	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: Garage conversion with first floor side extension; Front canopy

Location: 74 Tamworth Avenue, Whitefield, Manchester, M45 6UA

Description

The application relates to a two storey, red brick semi-detached house with integral garage on a road of similar styled houses. The driveway slopes up to the house at the front. The houses along the frontage to the west slope down gradually with the applicant's house about a metre higher than the immediate neighbour at No.72. The applicants house is set forward slightly and there is a 1m wide footway between the house and the neighbour at No.72.

The proposed side extension would project out 2.8m to the side boundary and run from front to rear 7.5m. The roof would be pitched at a slightly lower level than the main roof and finished in brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 14/04/2023. No objections received to date.

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 and streetscape - The application proposes a two storey extension that would run from the front to rear, above the existing single garage at the side of the house. At the front, the upper floor would be set back from the ground floor by about half a metre and the roof would be set down slightly from the main ridge. The combination of the level differences, the gap between No.74 and 72 Tamworth Avenue and the articulation along the frontage would mitigate the appearance of terracing to an acceptable degree.

The extension would be finished in red brick to match the existing house. In terms of visual amenity, the extension would be acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - The immediate neighbour at No.72, closest to the extension would have a blank gable facing it and is not seriously impacted by the proposal. There are no overlooking or overshadowing issues and the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 in terms of residential amenity.

Parking - The existing parking on the frontage would be unaffected by the proposal.

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

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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 001, 002, 003, 010, 011 and 012 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	22/05/2023	DM	22/05/23