

**DELEGATED REPORT**

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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 13/03/2023 | <b>Ref:</b> 69272/FUL          |
| <b>Registration:</b> 23/01/2023 | <b>LDFC:</b> 10/03/2023           | <b>Expiry Date:</b> 20/03/2023 |
| <b>Site Visit:</b> 06/02/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey extension at rear; decking at rear with glass balustrade

**Location:** 34 Lowther Road, Prestwich, Manchester, M25 9QQ

**Description**

The property is a semi detached bungalow. It has a garden and parking at the front and a drive along the side which leads to a detached garage. To the rear the property is extended with a dormer and a conservatory. There is a patio at the rear and the garden drops down in levels. The adjoining property is No.32 and is extended at the rear with a conservatory which leads on to an area of decking. Timber fencing runs along the garden boundaries. To the opposite side is a block of flats, 36-56 Wellbank. The ground floor is lower than the site and the side elevation has 3 windows. There are no properties directly at the rear.

The application proposes to remove the conservatory and construct a single storey rear extension 4.2m deep and 6m across. It would form a kitchen, with the existing becoming an office, and there would be further internal alterations to the house. From the rear of the extension would be a 3.8m deep and 6m across area of decking with 1.1m glazed balustrades and a ramp down to the south side. The plans also note the existing property to be rendered white.

**Relevant Planning History**

60412 - Dormer at rear - AC 26/08/2016.

**Publicity**

Surrounding neighbours were notified by letter on 27/01/23. A further 21 day letter sent on 17/02/23 notifying of revised plans to show the decking with garden levels and screening fence panel. No responses have been received.

**Statutory/Non-Statutory Consultations**

None.

**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** - In terms of the main street view the proposed extension would not be visible and the only change would be the off white render to the property, a common and popular domestic finish. The proposed extension would be flat roofed with a lantern light and bi fold doors to the rear. The walls would be rendered with the exception of the elevation to the adjoining No.32 which would be finished in brick. The raised decking would lead out from the extension and with the levels dropping at the rear would be to a height of 1m. A glass balustrade 1.1m high would run along the sides and rear. To the side to the adjoining No.32 a fencing panel would be erected to the same level as the current fencing that screens along the decking to this neighbouring property. To the opposite side would be a ramp up set 0.925m in from the boundary.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered and the proposal would not affect the existing

parking arrangements.

**Residential amenity** - The proposed single storey would project as blank wall to be around level with the conservatory to the adjoining No.32. This property has decking from its conservatory and there is timber fencing along the boundary with the site that screens. The proposal includes the addition of a fence panel, noted to be the same height as the existing, that would provide screening to the end of the proposed decking.

To the opposite side is a block of flats, 36-56 Wellbank. It is at a slightly lower level, with a gap to the boundary with the site, and its side elevation runs alongside the site garage and rear garden. At ground floor it has 3 windows to the side which are mainly screened by the site garage and its principle windows are on the main aspects to the front and rear. The boundary with the site is set in and runs along the rear elevation of the site garage and then in and along the site garden. To this side the proposed decking would be set 0.925m in from the boundary as the ramp down to the garden would be to this side. With the proposed decking at only 1m in height and mostly screened by the site garage there would be no reduction in privacy to any significant or unacceptable level that would give grounds for refusal.

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.

**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 ZT22-196-01, ZT22-196-03, Revised plans received 15/02/23 ZT22-196-02 and ZT22-196-04 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.
- 3      Before the first occupation of the extension hereby permitted the fencing screen to the boundary with the adjoining No.32, as shown on approved plan ZT22-196-04, shall be fitted and be permanently retained thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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| <u>Case Officer</u><br>JL | <u>Date</u><br>13/03/2023 | <u>Sign off Officer</u><br>DM 15/03/23 | <u>Date</u> |
|---------------------------|---------------------------|----------------------------------------|-------------|