

DELEGATED REPORT

Report by Claire Booth	Date of report: 03/01/2024	Ref: 70249/FUL
Registration: 14/11/2023	LDFC: 08/12/2023	Expiry Date: 09/01/2024
Site Visit: 28/11/2023	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: Two storey side extension and entrance canopy/porch at front

Location: 95 Polefield Hall Road, Prestwich, Manchester, M25 2WW

Description

The application relates to a two storey semi-detached house with gardens to three sides. There are hedges along the front boundary along with a tree and both pedestrian, and vehicular access gates. The drive area could accommodate up to two vehicles, but it is currently overgrown. There are fences along both side boundaries and to the front and rear of the dwelling and a tall hedge exists along the rear boundary. The attached neighbour, 93 Polefield Hall Road, has a single storey rear extension adjacent to the shared boundary and to the east of the application site, no.36 Daneshill, a bungalow exists. This neighbouring property is currently in the process of being extended. There is a secondary lounge window and bedroom windows to the side elevation of this neighbouring property adjacent to the shared boundary.

Following planning permission being granted by application 69967/FUL for a two storey side extension and an entrance canopy/porch at front. The two storey side extension was approved with a slight set back the front elevation by around 175mm. This proposal seeks to bring the extension forward to run flush with the principal elevation of the property. The proposed extension remains as approved and would therefore measure 3.4m wide and would have a hipped roof. Bi-fold doors would be installed to the rear elevation with windows to the front and side at ground floor and front and rear to the upper floor. The outer walls would be finished with brick and render to match the existing building, as previously approved.

Relevant Planning History

69967 - Two storey side extension; Entrance canopy/porch at front - Approved with Conditions. 27/09/2023

70245 - Non-material amendment following grant of planning permission 69967 (Two storey side extension & entrance canopy/porch at front): To align the front wall of the side extension to the front of the house. - Withdrawn - Invalid 15/11/2023.

Publicity

7 nearby neighbours have been notified by letter. No representations have been received within the statutory consultation period or by the time of writing this report.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The main considerations of this application are the permitted fallback position by virtue of effectively the same proposals being approved by application 69967 and whether the proposal to extend the two storey side extension forward by 175mm (1 brick) to run flush with the front elevation of the property would lead to any worse conditions with regards to the design and visual impact of the proposals, and the effect on neighbouring residential

occupiers.

Permitted Fallback Position

The proposals approved by application 69967 for effectively the same proposals which can be legally implemented, is the permitted fallback position for this site. Therefore the proposed development of bringing the side extension forward by 175mm will use the permitted fallback position as a baseline in which the proposed development will be judged against.

Design and Visual Amenity

UDP Policy H2/3 and SPD6 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be built with materials and a design that would be considered to be in keeping with the existing building, as well as with other properties along Polefield Hall Road. The bulk and massing of the proposed development was minimised slightly by the set back of the proposed extension, however, as the set back was only brick deep/ 175mm, building the extension so that it is flush with the principal elevation, would not cause demonstrable harm, over and above the existing approved development, to the character and visual amenity of the streetscene.

Given the above, and provided matching materials are used, the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

- There would be around 9.5m from the rear extension to the rear site boundary. This would accord with the terms of SPD 6. As such there would be no significant detrimental effect on residential amenity at the property to the rear. The existing high hedge along the rear boundary would also screen much of the views to and from the extension.
- As the proposed extension would be to the east side of the existing dwelling only there would be no detrimental effect on residential amenity at no.93 Polefield Hall Road, attached to the west side of the existing dwelling.
- Properties to the front of the site would be a sufficient distance from the proposed extension not to have any significant detrimental effect on residential amenity at those properties.
- No.36 Daneshill is a detached bungalow situated to the east of the site. It is currently in the process of being extended. There are two windows in the side elevation adjacent to the site boundary, which are to a lounge and a bedroom. The lounge window towards the front of the property is a secondary window to this room. The main window is positioned on the front elevation. This neighbouring property is built at an angle compared to the application dwelling. As such views from the bedroom window would have views over the rear garden of the application site, and not directly towards where the proposed extension would be built. Taking this into account, and that less weight is given to secondary windows would be considered acceptable in terms of its impact on residential amenity on this occasion. It is also noted that there is an existing boundary fence directly in front of the windows to the side of no.36 Daneshill, which will screen some views from these windows already.

Taking the above into account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and once again the proposed development would not result in conditions that would be materially worse than those approved by application 69967.

Parking

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing does have an existing drive area which could accommodate up to 2 vehicles. However, this area is very overgrown and has just one vehicle currently kept on site. There are no parking restrictions to the highway in front and the area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Conclusion

The proposals would not cause demonstrable harm to the design and its impact on neighbouring residents, or to highway safety. As such, it is therefore recommended that permission be granted.

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 permission relates to the following plans:

Drawing ref. O.S Location Plan;
Drawing no. 23-35-20-001 Rev.P6: Proposed Ground and First Floor Plan; and,
Drawing no. 23-35-20-002 Rev.P3: Proposed Elevations,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 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.

<u>Case Officer</u> CB 3/1/24	<u>Date</u>	<u>Sign off Officer</u> DM 3/1/24	<u>Date</u>
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