

DELEGATED REPORT

Report by Jane Langan	Date of report: 11/04/2023	Ref: 69376/FUL
Registration: 28/02/2023	LDfC: 30/03/2023	Expiry Date: 25/04/2023
Site Visit: 13/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 4 Lynton Drive, Prestwich, Manchester, M25 2QS

Description

The property is a two storey detached house. It has been extended two storey at the side up to the boundary. The front garden is fully surfaced for parking. To the rear it has been extended with a conservatory and has a fenced garden that borders the rear garden to 3 Brooklawn Drive. The adjoining property is No.2, it has a glazed door to the ground floor rear elevation to the party wall side and fencing separates along the boundary with the site. To the opposite side No.6 is separated by a gap along the side and fencing. The rear elevation has a small window then a conservatory.

The application proposes to remove the conservatory and construct a single storey rear extension 6m deep and 4.5m across. It would form a bedroom with wc.

Relevant Planning History

26913 - Two storey side extension - AC 31/3/92.

Publicity

Surrounding neighbours were notified by letter on 02/03/23. A further letter was sent 08/03/23 as the site plan had to be corrected by the agent. 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 - The proposed extension would have a hipped roof with a door and set of bifold doors to the garden side elevation. Materials would be brickwork and roof tiles to match the existing.

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 add a ground floor bedroom. The application notes it to be for a resident requiring ground floor accommodation for health reasons. No first floor has been provided confirming the existing number of bedrooms. 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 2 parking spaces for 3 bed properties and 3 spaces for 4 bed and above. The site has the frontage fully surfaced for parking and therefore no further could be created. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The extension would be single storey where adjacent the boundary with the adjoining semi No.2 and project 6m. With regard to the 45 degree line then, due to the proximity of the glazed door to No.2, the 45 degree line would be encroached at a point less than 3m. The proposed extension would be located to the south side to No.2 and have a solid side wall and eaves at 2.8m and a ridge to 3.6m. A material consideration is the

larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case. The roof has been amended from a dual pitch to a hipped which would reduce the impact on the attached No.2. Given the fallback position of the larger homes scheme in terms of the proposed extension depth then there are not considered to be grounds for refusal in this case.

To the unattached No.6 to the opposite side the proposed extension would be set approximately 3.3m in from the boundary.

The rear elevation would be blank wall and 1.4m from the boundary with 3 Brooklawn Drive. There is fencing screening there would be approximately 9m separation distance between the extension and the rear of this neighbouring property.

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 the revised drawings received on 21/03/23 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	11/04/23	DM	17/04/23