

DELEGATED REPORT

Report by Amanda

Date of report: 10/11/2022

Ref:68561/FUL

Uhunmwagho

Registration: 10/08/2022

LDfC: 31/08/2022

Expiry Date: 05/10/2022

Site Visit: 09/09/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey/single storey rear extension

Location: 110 Thatch Leach Lane, Whitefield, Manchester, M45 6FW

Description

The application relates to a two storey semi-detached property with garden to the front and rear of the dwelling. Access to the rear garden is via a path to the side of the property.

The proposal is to build a single/two storey rear extension. It would project a total of 3.15m from the original rear elevation and it would measure 6.64m wide. To the west side of the extension, adjacent to the shared boundary with the attached neighbour the first floor would project 1.7m. The roof would be hipped at two storey level and the single storey section would have a mono-pitched roof with a single rooflight.

Relevant Planning History

N/A

Publicity

Neighbours notified on 10/08/2022 - No objections received. One letter of support received from the adjoining neighbour.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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. 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 impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 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.

As the extension would be built on the rear of the dwelling it would not be visible in the street scene.

The extension would be built with materials and a design that would be considered in keeping with the existing building and as such would be acceptable in this location.

Given the above 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 9.6m from the rear elevation of the proposed extension to the rear site boundary. This would be acceptable in terms of SPD 6.

- The separation distance to properties at the rear would be acceptable in terms of SPD 6.
- The extension would be around 2.2m from the shared boundary with 112 Thatch Leach Lane to the east and there would be no windows in the side elevation facing this property.
- On the west side, adjacent to the boundary with 108 Thatch Leach lane (attached), the extension would project 3.15m at ground floor level and there would be a gap of around 100mm from the side elevation to the shared boundary. With this in mind the single storey section would be acceptable in terms of SPD 6.
- The first floor would project 1.7m adjacent to the shared boundary with no.108. SPD 6 states that where there are no extensions on an adjacent property and there is a habitable room window adjacent a two storey/first floor extension should not project more than 1m along the boundary. In this instance the attached neighbour has submitted a letter of support for the proposal advising that they are also planning to add a two storey extension to the rear of their property and so have no concerns about the proposed extension. The extension would project more than 1m along the shared boundary and as such could be refused. However, given that the affected neighbour has advised they support the proposal and would be building their own extension in the future the proposed extension is deemed acceptable in this instance.

Taking the above in to 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the existing drive to the front of the site.

Response to neighbour support -

The two storey extension would project 1.7m along the shared boundary with 108 Thatch Leach Lane. SPD 6 states that normally a projection of just 1m would be acceptable where an attached/adjacent property has not been extended. As the extension would project a further 700mm than what would normally be supported the attached neighbour has sent in a letter of support for the proposal advising that they also intend to add a two storey rear extension on their property and as such they support the proposal on site. This has been addressed in the residential amenity section above.

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 decision relates to the drawings received on 16/06/2022 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 10/11/2022		DM	10/11/2022