

DELEGATED REPORT

Report by Amanda

Date of report: 21/12/2022

Ref:68767/FUL

Uhunmwagho

Registration: 08/09/2022

LDFC: 03/10/2022

Expiry Date: 03/11/2022

Site Visit: 23/09/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; New low level boundary wall to the front with hedging; Remove existing detached garage at rear to create a new drive way using existing vehicular access.

Location: 26 Fairway, Prestwich, Manchester, M25 0JH

Description

The application relates to a two storey semi-detached house fronting on to Fairway, with Linksway to the south. It has been previously extended. At the front of the site there is a low brick boundary wall with planting to the inside of the boundary. There is an existing drive space to the front which is accessed over the corner junction where Fairway meets Linksway. There is a 1.8m boundary fence to the side of the site and vehicular access at the rear leading to a detached garage, which is dilapidated.

The proposal is to build a two storey extension to the side, as well as demolishing the garage to the rear to create a drive way. At the front the extension would measure 4m wide and there would be a bay window to the ground and first floor levels. The extension would have an overall length of around 10.3m and the roof would be hipped to the same height as the ridge of the existing property.

Part of the extension would be stepped out to the south side. Measuring around 1.98m back from the main front elevation the extension would step out a further 1m. There would be small single storey section to the front corner which would have a mono-pitched roof. The main part of the extension would be two storey and there would be one first floor bathroom window installed to the side elevation.

The existing detached garage to the rear is in a state of disrepair. This would be removed and a new drive space created in its place. The existing vehicular access gates to the rear of the site would be reinstated.

At the front an existing drive would no longer be used. The garden area is to be reinstated and a new low level boundary wall is to be built along the boundary. This would be brick to match the existing wall at the front of the site. The proposed plans also show that a hedge would be planted inside the boundary wall.

Relevant Planning History

56807 - Two storey side and single storey rear extensions - Approve with Conditions
26/11/2013

65103 - First floor extension at rear - Approve with Conditions 09/03/2020

Publicity

Neighbours notified on 12/09/2022 - One objections received and one neighbour has

supported the proposal. A summary of the objection is listed below;

- They advise that they understand the need to extend the property to a size that would accommodate a large family comfortably.
- Although the extension to the dwelling would affect light to their garden and house they have no objections to this part of the development.
- The proposed garden office would be 3 to 4 times the size and would stand much taller than the existing garage on site which would impact light to their kitchen, playroom to the rear of their property. They spend most of their time in these rooms.
- As immediate neighbours, we would expect to be contacted prior to any decision being made.

One neighbour also supported the proposal giving the following reasons;

- I have reviewed the plans submitted and the proposed design is good quality and is in keeping with the current design on the street.
- I do not see this being detrimental to the area in any sort of way and I support the application all the way.

Following discussions with the agent regards the proposed out building revised plans were received on 10/11/22 reducing the height of the outbuilding by way of constructing a flat roof as oppose to the original pitched roof. The neighbours were notified of the revisions on 15/12/22 - No objections or comments have been received with regard to the revised plans.

On 16/12/22 the agent advised that they want to remove the outbuilding from the proposal. The applicant intends to remove the existing detached garage in order to create a new parking space to the rear of the site which would be accessed via the existing vehicular access off Linksway. Given the outbuilding is to be removed from the proposal neighbours have not been notified. However, an email has been sent directly to the objector on 20/12/22 advising them that the outbuilding has been removed.

Statutory/Non-Statutory Consultations

Traffic Section - The traffic section were notified of the original plans and some discussion was had, but no formal comments have been received to date. As the applicant has submitted revised plans omitting the outbuilding and have advised they will be using the existing access to the rear of the site for parking the Traffic section have not be re-consulted regards the revised drawing received on 16/12/22 as the applicant is proposing to use existing parking to the rear of the site.

A drawing was submitted on 19/12/22 which proposes that a low level brick wall would be built to match the existing boundary walls at the front of the site and a hedge or other planting would be planted to the inside of the boundary wall. This would ensure that the existing drive to the front of the site cannot be used in the future due to having to access it at a junction of two roads and that its length would have been sub-standard once the extension would be built.

A condition would be added to the decision to ensure that the applicant blocks off the existing drive to the front of the site currently accessed over the corner of the highway at the junction with Linksway.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development

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.

The design of the proposed extension and finished materials would be considered to be in keeping with the existing dwelling as well as with others in the immediate vicinity. At the front the proposed bay windows to the ground and first floors would mirror the existing bay windows to the front of the property. As viewed from the front the resulting building would

be very symmetrical with the front entrance door located to the centre of the elevation.

SPD 6 states that where a property occupies a corner plot with a highway adjacent an extension should be set back from a boundary by at least 2m. However, a lesser set back may be acceptable in some circumstances.

As the extension would be stepped out towards the rear of the property it would be closer to the side boundary at that point compared to the front. At the front the extension would be around 3m from the boundary with Linksway which would be more than acceptable in terms of SPD 6. However the extension steps out to the side. At the front that section of the extension would be just over 1.9m to the boundary but only around 1.35m at the rear.

Although the side section of the extension would be within 2m of the boundary it would only be around 100mm short at the front. If the extension was to be reduced by 100mm, (in order to satisfy the recommended 2m as stated in SPD 6), it would not make any difference to the impact of the extension in the street scene compared to if it is to be built as shown on the plans.

The rear corner of the side extension would be around 1.4m from the side boundary. Given that the highway to the side is a wide road and the extension would be positioned well back from the junction of Linksway and Fairway, towards the front of the site, its position would not be considered detrimental in terms of highway safety. In terms of visual amenity the eaves would be constructed to the same height as the existing eaves and the roof would be hipped to match the existing dwelling and would remain similar in appearance to neighbouring properties.

In order to satisfy the recommended 2m distance to the boundary, (as per SPD 6), the extension would need to be reduced by approximately 600mm. In terms of the impact of the extension in the existing streetscene a reduction of 600mm would not make much difference. The extension would be finished with materials and a design that would be considered in keeping with the existing building and it would remain similar in character to neighbouring buildings too. Therefore in this instance the proposed extension would be considered acceptable in this location.

At the front of the site the existing vehicular access would be blocked with a short brick wall to match the existing boundary wall and a hedge would also be planted. This would be considered in keeping with the existing boundary treatment.

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 -

- Properties to the front and south of the site would be a sufficient distance from the extended property not to be significantly detrimentally affected by the proposed development.
- As the extension would be to the south of the existing dwelling there would be no significant detrimental effect on residential amenity at no.28 Fairway, attached to the north side of the property.
- At the rear the extension would not project beyond the existing rear elevation and there would be no new first floor windows installed to the rear elevation. There are no windows to the side elevation of 2 Linksway, to the rear of site and there would be over 7m to the rear boundary. As such there would be no seriously detrimental impact on residential amenity at no.2 Linksway.
- The existing drive way to the front, which appears to be have been created many years ago without planning permission would not only be too short once the extension is built but as users of the drive would have to access the site over the corner of a junction it would not be supported in terms of highway safety. As such this area would be blocked

with a new boundary wall built, with a hedge to be planted to the rear of the wall. This would ensure that this area could not be used as a drive space in the future and would ensure safety of passing pedestrians and traffic.

- The reinstatement of the drive way to the rear of the site would not have any impact on residential amenity in the area.

With the above in mind 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 surrounding properties.

Parking -

The proposal would increase the number of bedrooms from 4 to 5 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. There would be parking for once vehicle to the rear of the site and there are no parking restrictions to the front and side of the site. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

The neighbour's objection to the proposed outbuilding, which was included as part of the original proposal has been addressed by the removal of the outbuilding from the proposal. The applicant now intends to remove the existing garage (which is dilapidated) and create a parking space to the rear of the site.

The neighbour advised they have no objection to the extension to the dwelling although they feel the extension would affect light to the rear of their property. This has been addressed in the residential amenity section of the report.

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 001, 002 and 003 Rev 2 received on 10/08/2022, revised drawing numbered 004 Rev 3 received on 16/12/2022 and drawing numbered 005 Rev 1 received on 19/12/2022 as modified by the emails from Gold Sketch Studios Ltd dated 16/12/2022 and 19/12/2022. The development shall not be carried out except in accordance with the details 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.
- 4 The revised car parking arrangements indicated on approved plan reference 005 Revision 1, incorporating the retention of the existing dropped crossing and parking facilities at the rear of the property, and provision of replacement boundary treatment to the front of the property at the junction with Linksway, shall be implemented prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.
Reason - To secure the satisfactory development of the site in terms of highway safety, to allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 21/12/2022			