

DELEGATED REPORT

Report by Helen

Date of report: 04/11/2020

Ref:65865/FUL

Goldsbrough

Registration: 18/09/2020

LDfC: 15/10/2020

Expiry Date: 13/11/2020

Site Visit: 01/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at side and porch at front

Location: 46 Sheepfoot Lane, Prestwich, Manchester, M25 0DL

Description

The application relates to a semi-detached dwelling house located on Sheepfoot Lane. The premises has an existing single storey flat roof extension, and single storey rear extension. The dwelling has a garden area, and parking located to the front with a further area of garden located to the rear.

Planning permission is sought for the construction of a porch extension that projects approximately 2000mm from the front elevation of the dwelling. To the side it is proposed to constructed a single storey side extension to the front of the existing side extension. The proposed extension would project approximately 2870mm to the side of the dwelling and run flush with the principal elevation of the property

Relevant Planning History

None

Publicity

Neighbour letters sent 24/09/2020. No representations 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 victimization;

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

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.

There are a number of side extensions located within the row of dwellings most notably a single storey side garage extension at No. 47 and a two storey side extension at No. 45. As such the introduction of a further single storey side extension is considered to be acceptable in principle. The proposed lean to style roof is considered to be acceptable and the proposed front window would be suitably aligned. The rear elevation of this proposed extension however is missing from the submission and as such it is considered that insufficient information has been submitted in order to fully assess the proposal.

In order to protect the street scene SPD 6 states that front extensions should not project excessively from the front elevations of dwellings. It would appear that the proposed porch would not project excessively however whilst plans, and side elevations of this addition have been submitted there are no front elevations. As such, this element of the proposal can not be fully assessed in terms of visual amenity and therefore as above it is considered that insufficient information has been submitted in order to fully assess the proposal.

The application and submitted plans do not accurately show the proposed rear elevation of the dwelling or the proposed front elevation of the dwelling. The application and submitted

plans contain insufficient information to enable them to be properly assessed in terms of visual amenity and are therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Proposed side extension would be located adjacent to the existing side garage extension of No. 45 and would not project beyond the front elevation of the neighbouring garage. This garage extension has a side door facing towards the proposal however as this appears to be an opening that is located in a side elevation, and relating to a non-habitable space this door is not protected. The location of the proposed side extension is therefore considered to be acceptable.
- Proposed porch would not intercept a 45 degree line as taken from the mid-point of the nearest ground floor habitable room window of No. 45.
- Proposed porch would not intercept a 45 degree line as taken from the mid-point of the nearest ground floor habitable room window of No. 47.
- Side glazing facing towards No. 45 relates to non-habitable rooms (porch and WC) and as such aspect standards not applied.
- Side glazing facing towards No. 47 would relate no non-habitable room (porch) and as such aspect standards not applied.
- No dwellings directly facing the site.

Other Considerations

It should be noted that the LPA attempted to resolve the issues outlined above by requesting amended plans throughout the application time frame however no amended plans were received to address the identified missing information. A time line of contact made with the agent can be found below:

1st October - agent contacted via email and asked for the proposed porch to be shown on the front elevations on drawings 03 and 04. Proposed rear elevation also requested as whilst the roof of the new side extension only projects a little higher than the existing flat roof this elevation is still required.

9th October - above plans chase via email.

15th October - above plans chased again via email.

16th October - Amended plans received from agent. These included a dropped kerb that was not included within the original description, and amendments to the roof of the existing side extension that were not shown on original plans.

19th October - Emailed to ask agent to confirm amended description so neighbours and highways could be consulted on the proposal put forward adequately. Also advised that site plan submitted was not detailed enough in relation to the extent of the dropped kerb. Asked for front elevations of the porch again as these had not been included within the amended plans. Advised the case officer would not accept amended plans unless this was addressed. Requested amendments and confirmed description by the 23rd October. No plans received.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and

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environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The application and submitted plans do not accurately show the proposed rear elevation of the dwelling or the proposed front elevation of the dwelling. The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of visual amenity and are therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated 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>
Helen Goldsbrough	4/11/2020	DM	11/11/2020