

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/08/2024	Ref: 70873/FUL
Registration: 25/06/2024	LDfC: 18/07/2024	Expiry Date: 20/08/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Front porch, part single storey / two storey side and rear extensions; flat roof dormer extension at rear; and the installation of 3 no. roof lights at front

Location: 108 Heywood Road, Prestwich, Manchester, M25 1LE

Description

The property is at No. 108 Heywood Road, a semidetached property. The dwelling is a two-storey red brick house with a drive to the front, garage to side and a fenced garden to the rear. On either side are No. 106 (attached) and No. 110 Heywood Road. To the rear, the proposed site borders the rear garden of No. 44 St Austell's Drive.

Planning permission is sought for front porch, part single storey / two storey side and rear extensions; flat roof dormer extension at rear; and the installation of 3 no. roof lights at front.

The proposed single storey side extension would project 1.7 metres to the side and run circa 10.8m to the rear. The two-storey side element would have the same side projection (1.7 metres) but would be setback from both the principal front and rear elevations. The single storey rear extension would extend 1.3 metres to align with the proposed single storey side extension. The two-storey rear element would be setback from each of the shared side boundaries and would measure 4.1 metres by 3.5 metres. The single storey front porch would project 1.1 metres to the front and run 2.5 metres to the side, while the proposed rear dormer would be built on the footprint of the existing roof and would not extend beyond the roof's ridge height.

The development would accommodate a bin store, a bedroom with ensuite bathroom along with an open plan kitchen dinner on the ground floor. On the first floor the proposal facilities a new bathroom together with an additional bedroom and the loft conversion with the new dormer provides a further bedroom. The Proposal would utilise the use of matching materials and would have pitched roof above all extensions except for the flat roofed rear dormer.

Relevant Planning History

69744 - Front porch, part single storey / two storey side and rear extensions; flat roof dormer extension at rear; and the installation of 3 no. roof lights at front - Approve with Conditions 25/08/2023

Publicity

Neighbour letter sent. One objection received.

Comments

Following concerns relates to: Level differences between the site and that of the adjacent neighbour and the impact this would have on the foundations during construction/excavation. There is also privacy concerns relating to the proposed side

windows.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

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

The proposed single storey front, side, and rear extensions, in design terms, would be in keeping with the existing dwelling and would not appear incongruous within the streetscape. The two-storey element to the side would be modest extension with sufficient setback from the first floor at the front and therefore would have no detrimental impact on the street scene. The two-storey rear element would be a simple rectangular extension that would also be acceptable in design terms.

The proposed flat dormer at the rear would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The design would not over dominate the character of the original dwelling and would be similar to number of dormers within this area.

Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there would be there would be sufficient distance to the shared rear boundary from both the single storey and two storey rear elements.
- There would be proposed side windows on both the ground floor and first-floor that would be facing towards the adjacent property (No.110). However, these windows are non-habitable windows and would be conditioned to be obscure glazed up to 1.7 metres. Moreover, the side windows on the ground floor level would be further shaded by the existing fence.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The proposed part single-storey rear element would have no proposed windows on either side and would project less than 3 metres to the rear.
- The SPD6 sets out considerations where there are side windows in neighbouring properties and states that less weight would be afforded to habitable room windows located on side elevations. The proposals are close to the boundary but a distance would be maintained onward across the neighbouring property's land to the nearest window.
- The proposed two storey rear element would have a modest projection (3.5m) and would be sufficiently setback from each of the shared side boundary. Additionally, the extension would not have any proposed side windows facing the adjacent neighbours. As a result, the 45-degree rule would not be encroached.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and

associated guidance in SPD6

Response to Objection

The report has addressed the main concerns of this neighbour. There would not be any significant detrimental impact on the neighbouring properties at least not to support a refusal. It is noted that there is a previously approved scheme (69744) which maintains the relationship in terms of windows. All the extensions would have modest projections and there would be no side windows from a habitable room that would be facing towards the adjacent neighbours. Furthermore, both the ground floor side window from the ensuite bathroom and the side window on the first-floor bathroom subject to this application would be conditioned to be obscure glazed. Therefore, the above assessment above has highlighted that there would not be any adverse impacts.

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 20/06/2024 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.
- 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 ground floor side window on the ensuite bathroom and the side window on the first floor bathroom subject to this application shall remain obscure glazed up to 1.7 m.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u> MW 19/8/24	<u>Date</u>	<u>Sign off Officer</u> DM 19/8/24	<u>Date</u>
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