

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/04/2023	Ref: 69316/FUL
Registration: 13/02/2023	LDFC: 09/03/2023	Expiry Date: 10/04/2023
Site Visit: 23/03/2023	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey rear extension

Location: 45 Lower Moss Lane, Whitefield, Manchester, M45 6FA

Description

The property is a two-storey mid terraced brick and slate dwellinghouse, situated on Lower Moss Lane in the Whitefield area. The dwelling has a garden to the front and rear.

Planning permission is sought for part two-storey/ part single storey rear extensions. The single storey rear extension would project 3 metres to the rear and run the entire width of the property. The two-storey element of the rear extensions would project 2.4 metres. The proposal would facilitate a kitchen extension on the ground floor level and a bedroom extension along with a bathroom extension on the first floor. The proposed development would have a mono-pitched roof above the ground floor level and a flat roof above the first-floor level. The proposed development would also utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 16/02/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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.

Situated to the rear, the part single, part two-storey rear extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. 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.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The single storey rear element would extend approximately 3 metres which would be acceptable. Additionally, there would be sufficient distance to the rear boundary.
- There would be no proposed side windows facing the adjacent neighbouring properties on either side.
- SPD6 states for two-storey developments, where the extension would be on or adjacent to the boundary of another dwelling it should not project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond 45° angle taken from the boundary at the 1 metre point. The proposed extension would project 2.4 metres along the shared boundary without any setbacks. This would encroach the 45° angle when taken from the 1 metre point and subsequently would detrimentally impact on the residential amenity of this neighbouring properties.

Overall, there would be serious impact on amenities of the adjacent neighbouring properties. The proposal therefore not conform 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 will result in no additional bedroom and there will be no changes to site access, or parking. The parking at its current condition meets the maximum parking requirements.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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 proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjoining dwelling house, by reason of its size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/04/2023	HL	05/04/23