

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/07/2023	Ref: 69619/FUL
Registration: 19/05/2023	LDfC: 14/06/2023	Expiry Date: 14/07/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor extension at side and single storey extension at side/rear; Front porch

Location: 76 Highfield Road, Prestwich, Manchester, M25 3AQ

Description

The property is a two-storey house. It is the end property in a row of four houses with small front gardens and on-street parking at the front. At the rear there is a large garden with fences to all boundaries. The rear garden is on a higher level than the house on site.

Planning Permission is sought for a first-floor side extension, single storey side extension and front porch. The proposal would accommodate two additional bedrooms, one on the first floor and one on the ground floor. The single storey side extension would project 4.9 metres to the rear and 2.62 metres to the side to align with the principal rear and side elevations. The first-floor extension would extend 2.6 metres to the side and 4.7 metres to the rear. The proposed porch would measure 3.6 metres by 3.33 metres and project 1.3 metres beyond the existing front elevation. The proposed development would have pitched roof over the proposed first extension and flat roofs over the single storey side extension and the proposed front porch.

Relevant Planning History

69553 - Change of use from dwelling to a 6 bedroom HMO (Sui Generis); First floor side extension; Single storey side/rear extension; Single storey front extension - Withdrawn - Invalid 02/05/2023
05/0067 - -
13/0190 - Balcony - 25/06/2013

Publicity

Neighbour letter sent. Two comments/objections received.

Comments/Objection:

Comment 1: -

Concerns relating to the block of sunlight to garden and the obstruction of view by the proposed solid extension.

Comment 2:

Concerns relating to potential antisocial behaviour from the residents if the development is approved for as non-domestic residence such as business use. Objection would not be raised if the extension would be used as a domestic residence.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

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 consist of a single storey side/rear extension, first-floor side extension and a front porch all with simple and unobtrusive designs that would not detract from the character of the dwelling. The proposed development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. 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.

There would be no new habitable windows proposed on the side of the first-floor extension and on the proposed ground floor windows would be shaded by the existing fencing. Furthermore, there would be sufficient distance to the rear boundary. The proposed porch would a would be modest and not interfere with the existing parking arrangement.

However, in terms of the general prominence and impact on daylight the proposed first-floor extension would be within close proximity to the shared side boundary with properties No.21 and No.23 Willow Road. The proposed first floor extension would be 3 metres from No.23 Willow Road and 8 metres from No.21 Willow Road. SPD6 states that extensions maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two storey blank wall of a neighbouring property. Additionally, the proposed extension would be to the south of these properties and therefore overshadowing would be seriously excessive above and beyond the existing situation.

The position of the proposed first-floor extension, in relation to adjoining residential properties, by reason of its height, size and position would result in a negative impact on residential amenity due to it's close overbearing position an unacceptable reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

Parking

The proposal will result in two additional bedrooms, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements. Furthermore, there are off-street parking space(s) available if required.

Response to Objections

Regarding the first comment, there would be serious impact on the general prominence and impact on daylight of the adjacent neighbouring properties. Therefore, the concerns are valid. In response to the second comment, this application is for a domestic use.

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 position of the proposed first-floor extension, in relation to adjoining residential property(s), by reason of its height, size and position would result in a negative impact on residential amenity due to it's close overbearing position an unacceptable reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/07/2023	DM	20/07/23