

DELEGATED REPORT

Report by Tom Beirne	Date of report: 13/11/2024	Ref: 71213/FUL
Registration: 30/09/2024	LDfC: 28/10/2024	Expiry Date: 25/11/2024
Site Visit: 29/10/2024	Site Notice: N/A	Press Date: N/A
Objections: 2	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/side extension; Single storey front extension

Location: 164 Heywood Road, Prestwich, Manchester, M25 1LD

Description

The application relates to a two storey detached dwellinghouse on a residential road of similar styled properties. The rear garden is bounded by a 1.8m fence with boundary planting. The neighbouring properties on either side have single storey rear extensions running adjacent to the shared side boundaries of the site.

The proposal involves:

- Adding a porch at the front. Footprint 3.5m by 1.5m and a pitched roof to 4m.
- The two storey side/rear extension would wrap around the rear elevation, projecting out 3m, with a chamfer adjacent to the boundary with No.166.
- The single storey extension would project out a further 1.14m.
- The rear extensions would be finished in brick and the porch would be rendered.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 07/10/2024. Two objections received from the occupiers of 162 and 185 Heywood Road - summarised below -

- Maintenance problems at the side of our house walls gutters etc
- Satellite dish and Aerial blocked and would cause signal interference
- Front of house visual aesthetics not in keeping with the detached appearance in line with other houses on the road and may cause a reduction in value.

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 - The porch on the front appears to be overly large and would represent a prominent and rather incongruous feature on the house and along the frontage.

The rear extension is rather awkwardly positioned in relation to the unattached property at No.166 where the guttering of the new extension sits below the guttering on the neighbour. However the general design and appearance is not out of keeping with the existing house, particularly with the single storey extensions on properties to either side.

The proposed porch would be seriously detrimental to visual amenity and would therefore be contrary to UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The plans indicate that the two storey extension would satisfy the 45 degree angle in relation to the nearest habitable room windows on the rear of neighbours

on either side. However the rear garden measures approximately 9m to the rear boundary with No.15 Willingdon Drive. This means that there is only a gap of approximately 6m from the upper floor bedroom windows of the extension to the rear boundary, less the minimum of 7m required by the Council's guidance.

The proposed two storey rear extension is unacceptable in that it would be seriously detrimental to the privacy and residential amenity of the neighbour immediately to the rear (No.15 Willingdon Drive). The proposal is contrary to Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Parking and Access - The replacement boundary wall around the front garden and new driveway from the existing dropped kerb would not require planning permission and are not an issue.

Public comments - The comments relating to planning issues are dealt with in the above report. Maintenance issues, satellite interference and issues relating to building works and property values are not planning matters.

Communication with agent - Contact was made with the agent on 30th October with regard to possible amendments to the plans. A period of one week was given to respond however no response has been received to date.

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 rear extension would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of the immediate residential property to the rear (No.15 Willingdon Drive) by reason of the sub-standard distances between habitable windows on the proposed extension and the shared rear boundary. The proposed development is therefore seriously detrimental to residential amenity and conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed porch would, by reason of its size and design, be a prominent and intrusive feature on the existing house and within the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The application and submitted plans contain insufficient information with regard to the relationship with the immediate neighbour at No.166 Heywood Road to enable

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them to be properly assessed. The proposal is therefore contrary to Bury 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>
Tom Beirne	13/11/2024	DM	18/11/24