

DELEGATED REPORT

Report by Jane Langan	Date of report: 06/12/2023	Ref: 70179/FUL
Registration: 20/10/2023	LDfC: 22/11/2023	Expiry Date: 15/12/2023
Site Visit: 09/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side/rear

Location: 57 Hilton Lane, Prestwich, Manchester, M25 9SA

Description

The property is a semi detached house which sits set back from and at a higher level to the road. It has a garden and drive to the front and an attached garage at the side. To the rear is a fenced garden which backs on to a golf course. The attached neighbour is No.55. To the opposite side No.59 is a detached house and the boundary with the site is well screened with planting.

The application proposes a single storey extension to the rear of the garage 4.4m deep and 4.5m across. It would form a kitchen with the existing becoming a dining room.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour. Their concerns in summary are :-

- No objection to extension but would require a new taller fence or thicker tree line as the new kitchen window is looking straight into our garden with no space.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 and design - The proposed extension would be attached to the rear of the flat roofed garage. It would have a pitched roof with one roof light to the front slope. Materials are noted to be brick and tile. A standard matching condition is added.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The existing parking arrangements to the front drive would be unaffected.

Residential amenity - The proposed extension would be to the side to No.59. It would not project past the main rear elevation of this property and be set 2m - 4m in from the boundary. There would be one non habitable room window to the side elevation, a secondary window to the kitchen. SPD6 can require windows on or adjacent a boundary to be obscure glazed or high level. In this case the separation is such that there is considered to be a reasonable gap to the boundary. There is low level fencing and to the rear of this

planting that screens No.59 and is within their control.

There would then be no serious impact on the amenity of this adjacent neighbouring property.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - The objectors comments were passed to the agent and the applicant has confirmed they do not know the ownership of the fence. With screening from planting in the control of the neighbouring property, and the possibility for the erection of 2m high fencing by either party, there are not considered to be grounds for refusal or imposition of a condition for obscure glazing in this instance. Side extensions can also be carried out under permitted development and at ground floor there are no restrictions with regard to windows.

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 drawings numbered 01,02,03,10,11,16,50 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.

<u>Case Officer</u> JL	<u>Date</u> 06/12/23	<u>Sign off Officer</u>	<u>Date</u>
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