

DELEGATED REPORT**Report by** Amanda**Date of report:** 25/04/2023**Ref:**69431/FUL

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Registration: 09/03/2023**LDfC:** 06/04/2023**Expiry Date:** 04/05/2023**Site Visit:** 23/03/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 1**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Two storey extensions at side and rear; Single storey front extension; Front porch**Location:** 46 Marle Croft, Whitefield, Manchester, M45 7NB**Description**

The application property is a two storey dwelling with an existing single storey side/rear extension. There is a driveway to the side of the property and the front of the site is tarmac. At the rear there are fences to all the boundaries with some planting and trees towards the rear of the garden. There are open fields to the rear.

The proposal is to build a two storey side and rear extension and a single storey front extension, including a porch. At the front the extension would project 1.2m forward of the existing front elevation and would measure 6.24m wide. The roof would be pitched over the porch and mono pitched to the rest of the extension. At the side extension would measure 14.3m long. The extension's roof would appear hipped to the front and rear with a double hipped roof to the side.

At the rear it would measure around 9.53m wide and it would project 3.5m from the original rear elevation. There would be two Juliet balconies to the first floor. The walls would be rendered in a white or cream render.

Relevant Planning History

N/A

Publicity

Neighbours notified on 16/03/2023 - One objection received. A summary of the objection is shown below;

- The proposed extension would take the building beyond the current building line, adjacent to their boundary fence.
- There would be no external access to the rear of no.46.
- The proximity of the extension would make it impossible to service their guttering, roof and first floor windows.
- The proximity would seriously restrict the amount of light to their hallway as the main entrance is at the side of the building.
- A similar extension to no.42 Marle Croft has resulted in overshadowing of their upstairs bathroom and ground floor cloakroom, requiring them to use electric lights at all times.
- The extension at no.42 has also restricted light to their kitchen.
- They feel they would be blocked on both sides if the proposed extension is built.
- The proposal goes against the original design and layout of the estate.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The design of the proposed extensions would be considered to be in keeping with other properties in the immediate vicinity and as there are many properties which are rendered, or partially rendered along Marle Croft the proposal to render the property would be considered to be in keeping with the existing streetscene.

In terms of terracing SPD 6 states that normally there should be a 1.5m first floor set back from the original front elevation where an extension is close to a boundary with another property. The plans show that the ground floor extension would set back from the front elevation of 44 Marle Croft next door by around 200mm and the first floor would be 1.45m set back from the front elevation of no.44 next door. There would be a 150mm gap to the boundary with no.44, which when added to the 1.45m set back the total amount would be 1.6m. There is also a path to the side of no.44 measuring around 900mm. As such there would be no concerns regards terracing with no.44 Marle Croft next door.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- Properties to the front would be a sufficient distance from the front of the extended property not to have any significant detrimental effect on residential amenity.
- There is open land to the rear of site and just over 14m from the extension to the rear boundary.
- There would be no new windows installed to the east side elevation, adjacent with no.48 Marle Croft and one external door would be removed from this side elevation.
- To the west side elevation there would be a first floor landing window installed. The plans show that this would be obscurely glazed in order to retain privacy levels between the two properties.
- At the rear the two storey extension would project 3.5m from the original rear elevation and the side wall would be around 800mm away from the boundary with no.48 Marle Croft. To the ground floor of the rear elevation of no.48 there is a door and window closest to the shared boundary and a second window further to the east. Both windows and door service the same habitable room. As the 45° rule would be satisfied regards the nearest ground floor window the proposed extension would be considered acceptable in terms of residential amenity at no.48.
- Given the projection of the extension it would possibly have some detrimental impact on day light to part of the patio at no.48 as the site is positioned west of that property. However, as any detrimental impact would only be likely towards the end of the day and the rear of both sites is relatively open it would not be detrimental enough to warrant refusal of the proposal.
- No.44 Marle Croft to the west has been previously extended to the side. There is a car port and garage to the ground floor with living area at first floor level. There are two high level windows to the side elevation. One is to a living room and one to a bathroom. The living area has two other windows to the rear of the property. As the extension would be around 150mm away from the shared boundary there would be a detrimental impact on the windows to the side of no.44. However, as a bathroom is not considered to be a habitable room and the living room has two other windows to that room these windows would not be given the same consideration as principal windows to the front and rear of the dwelling. The extension would be acceptable in the proposed position.
- The plans show that all of the extension would be built within the site boundaries.
- At the front there would be 5m from the front of the extension to the front boundary. This would be acceptable in terms of the expected driveway length as set out in SPD 6.
- There would be enough room to park at least two vehicles to the front of the site.

Taking the above in to account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has tarmac across the whole of the front of the site which would provide on site parking for 2 to 3 vehicles. There is also ample on street parking to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objection -

Most of the neighbour's concerns have been addressed in the report above. With regards to the comment that there would be no external access from the front of the site to the rear there is currently nothing in law, or adopted local or national policy to prevent homeowners from building up to a boundary if they wish. As such this would not be a reason to refuse the proposal.

The extension would be close to the side of the neighbouring property, which may cause some issues regards maintenance. However, this would not be Planning concern and would not have any bearing on the decision.

The neighbour also suggested that the proposal goes against the original layout and design of the estate. Other than having to apply for planning permission there are no restrictions on extending properties in this area. In fact the property next door has also been extended to the side.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 drawing numbered 2590_WHI_01_Planning_01_Rev_B received on 17/03/2023. as modified by the email from CD Wilkinson Plans dated 17/03/2023. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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- 3 The external finishing materials for the proposal hereby approved shall be a white/cream coloured render as shown on the approved plans and application form. 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU	25/04/2023	DM	26/04/23