

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/07/2024	Ref: 70750/FUL
Registration: 30/05/2024	LDFC: 18/07/2024	Expiry Date: 25/07/2024
Site Visit: 25/06/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Garage conversion including change from garage door to window; Single Storey side extension; first floor extensions at front and side and single storey rear extension

Location: 57 Prestwich Hills, Prestwich, Manchester, M25 9PY

Description

The application relates to a two storey detached house on a residential road of similar styled properties. Single storey attached garage to the side adjacent to the shared boundary with No.59 Prestwich Hills. The house is set back from the front elevation of the neighbour at No.59 Prestwich Hills. No.59 has a set of patio doors on the rear elevation closest to the side boundary with No.57.

The proposal involves demolishing the existing garage and constructing a two storey side extension projecting out 3.2m to the side, stopping 900mm short to leave a pedestrian walkway. The side extension would have a slight projection of 700mm to the front of the porch to create a gable element. The side extension would run 8.6m to the rear elevation.

The single storey rear extension would project out 3m from the rear elevation and run 8.6m across the width of the extended house with a mono-pitched roof.

The extensions would be finished in red brick and tile to match the house. At ground floor the extension would accommodate a home office, Utility and WC with an extended kitchen diner. At first floor there would be a new bedroom with en-suite. The new side gable would have no windows.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 26/06/2024. Objection received from neighbour - summarised below.

- The proposed first floor extension at the front and side will reduce the amount of light through the side window to our lounge and the side window to our main bathroom. Of greater concern is the amount of light we will lose to our dining room and main bedroom, both sited at the back of our property, due to the staggering of this property.
- It is unclear from the plans whether or not the proposed front and side extension come closer to the boundary line. If so, the loss of light will be greater.
- There is a recently installed air conditioning unit at this property. If re-located in the same position on the proposed extended outside wall, it would practically sit outside our bedroom window, again, due to the staggering. Other properties nearby with air conditioning units are not affected in the same way due to them not being staggered and have no impact.

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 - In terms of design and appearance, the proposed extensions are in keeping with the existing house and would not appear out of keeping with the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The side extension would come closer to the shared side boundary and extend beyond the rear of the rear elevation of the immediate neighbour at No.59 Prestwich Hills. Whilst the two storey extension in particular would worsen the outlook from the rear of the neighbour at No.59 when looking south, the critical factor in the assessment is whether it is so detrimental with regard to amenity to warrant refusal.

The agent has submitted a plan that indicated that the two storey extension complies with the 45 degree rule in relation to habitable room windows on the rear of No.59 Prestwich Hills. The single storey extension would not have a significant impact.

In relation to shadowing and light at the rear of No.59, the two storey extension, situated to the south, would have some impact but for much of the garden and for most of the afternoon and onwards the impact would not be so significant as to warrant refusal of planning permission.

The non-habitable WC window and secondary lounge window on the side of the house cannot be afforded a great deal of weight in any assessment.

No AC units are proposed in this application and as such the location of any AC units is not part of this planning application. Any issues with regard to AC units and noise issues would be an issue dealt with under separate environmental health legislation.

The impact of the extension on the neighbour on the other side (No.55) and those to the rear and front are not significant.

The proposal in terms of residential amenity is acceptable and complies with UDP policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Parking and access - The frontage is paved and accommodates two cars off road. Although the space in the garage would be lost, the space for two cars on the frontage is considered sufficient for a dwelling of this size. There is no proposal to widen the dropped kerb which is sufficient to serve the existing access.

Objection - The issues raised by the objector have been addressed in the above report.

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 1, 2, 3,4 ,5, 8 and '45 degree' plan 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/07/2024	DM -	24/07/2024