

DELEGATED REPORT

Report by Jane Langan	Date of report: 05/12/2022	Ref: 68931/FUL
Registration: 29/09/2022	LDfC: 14/11/2022	Expiry Date: 24/11/2022
Site Visit: 09/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Part single/Part two storey extension at rear and Hip to gable roof extension.

Location: 68 Agecroft Road West, Prestwich, Manchester, M25 9RH

Description

The property is a bay fronted semi detached house that sits at a raised level from the road. It has a garden and drive to the front and an attached garage at the side. To the rear it is extended with a single storey extension and conservatory. The rear garden is fenced and there is planting along the boundaries. The rear boundary borders the rear garden of 175 Butterstile Lane which is not visible due to planting. The adjoining neighbour is No.66 and screened by planting along the shared boundary. To the opposite side No.70 sits at an angle and lower than the site. It has been extended two storey at the side and single storey at the rear.

The application includes extending two storey at the side coming out 3.7m and then tapering down along the angled boundary and set in 0.75m. The two storey would then project 3.6m beyond the rear elevation for 4.5m across. The ground floor would have a set in to the side of 1.2m with the first floor overhanging. To the rear adjacent the two storey the remainder of the rear elevation would be single storey up to the shared boundary. The extensions would form a playroom, wc, utility and kitchen/dining room at ground floor with two additional bedrooms an ensuite and bathroom at first floor.

Relevant Planning History

39216 - Conservatory at rear - 18/06/02

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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. 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 two storey would retain a gap to the side of approximately 1.5m and the site sits at an angle and higher to the adjacent No.70. As such terracing would not be an issue.

The proposed two storey would have a pitched roof forming a side gable wall. Whilst the adjoining No.66 is hipped semi detached houses with different roof types are not uncommon and the area has a mix of roof styles. The front elevation of the proposed extension would have full height bay windows to match those to the existing frontage. To the rear both the two and single storey would be flat roofed, the single storey with a lantern roof light. They would not be readily visible from the main street view. Materials would be to match the existing.

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 increase the number of bedrooms from 3 to 5 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 a drive to the front with parking for one vehicle. This would be retained and with a drive length of 5m. There may be potential for further parking to the front garden if the applicant should require it. The neighbouring properties to either side have done this. The area has on street parking and there is public transport available. In this instance then there are not considered to be grounds for refusal with regard to the parking arrangements.

Residential amenity - The two storey side would run adjacent the side to No.70 which is itself extended at the side two storey. Where the proposal would be two storey at the rear it would not encroach the 45 degree line from the mid point of the closest rear windows to No.70 which are also to its extension and less weight is afforded to such windows. No.70 then extends out deeper at the rear with a single storey. There would be a door and window to a we along the side ground floor and a secondary kitchen window which would be set in from the boundary beneath the first floor overhang. There is some fencing between the site and No.70 and as no concerns have been raised by No.70 a condition for obscure glazing to the side kitchen window is not considered necessary. A condition is added for the first floor side windows to the bathroom and ensuite to be obscure glazed.

The proposed extension would be 3.6m deep where along the boundary with the adjoining No.99 which would be the same as the existing conservatory it would replace and the larger homes scheme could allow a deeper extension.

There would be a distance well in excess of 7m from the proposed first floor window to the rear boundary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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

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 drawings numbered 001 Rev 1, 002 Rev 2, 003 Rev 3, 004 Rev 2 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.

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- 3 Before the first occupation of the extension hereby permitted the windows to the first floor west side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with 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>
JL	05/12/22		