

DELEGATED REPORT

Report by Mo Warsame	Date of report: 01/03/2024	Ref: 70393/FUL
Registration: 08/01/2024	LDfC: 01/02/2024	Expiry Date: 04/03/2024
Site Visit: 01/03/2024	Site Notice: N/A	Press Date: N/A
09:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension and first floor rear extension

Location: 8 Rectory Avenue, Prestwich, Manchester, M25 1DE

Description

The property is a two-storey semi-detached house located on Rectory Avenue. The premises has a drive to the front and gardens to the front and rear. The other houses in the immediate area are of a similar appearance. Properties No.6 Rectory Avenue (attached) and No.10 Rectory Avenue on either side of the dwelling have both extended to the rear. The properties to the rear and front of the site are over 20 metres away.

Planning permission is sought for the erection of a single storey rear extension and first floor rear extension. The single storey extension would project 4.5m to the rear and accommodate a sun lounge. The first floor extension would extend above the existing kitchen and would not project beyond the principal side or rear elevations. This element would accommodate a bedroom extension and would have a pitched roof, while the single storey element would have a flat roof with sunroof. The development would utilise the use of some matching materials.

Relevant Planning History

69489 - Single and two storey rear extension - Withdrawn - Invalid 09/01/2024

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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 proposed extensions would be located entirely to the rear of the dwelling and as such would not be visible from the street scene. The proposed first-floor extension would have a simple and unobtrusive design and would not detract from the character of the original dwelling. This extension would also have a pitched roof replicating the style of the host property.

The proposed single storey extension would have a flat roof with a sunroof. However, it would be considered acceptable. Given, the extension would be relatively modest structure

that would be constructed using matching materials. The proposed development is therefore considered to be acceptable and would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space.

It is considered that the proposed extension would not be detrimental to the character of the dwelling, street scene or neighbouring properties and as such complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed first-floor rear extension would have no adverse impact in terms of overlooking and privacy, as there would be sufficient distance between the properties to the rear and the proposed extension. Furthermore, this extension would have no proposed side windows facing the adjacent properties on either side. In terms of the general prominence and impact on daylight, the proposed development would have setbacks on either side of the shared side boundaries. Moreover, the development would not encroach the 45° rule when taken from the adjacent neighbouring properties. Therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4.5 metres along the shared boundary would be considered acceptable in this instance. Additionally, there would be sufficient distance to the rear boundary and properties beyond. Moreover, there would be no proposed side windows facing the adjacent neighbouring properties on either side.

The proposal would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 the drawings received on 08/01/2024 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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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	01/03/2024	DM	04/03/24