

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/11/2023	Ref: 70100/FUL
Registration: 02/10/2023	LDfC: 24/10/2023	Expiry Date: 27/11/2023
Site Visit: 07/11/2023	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: First floor/two storey side extension

Location: 42 Sandgate Road, Whitefield, Manchester, M45 6WG

Description

This application relates to a two storey semi-detached red brick house on a residential road of similar styled properties. There is an attached garage to the side with a pitched roof and parking on the front driveway. To the rear the garden is enclosed by 2 metre high fence. There is an existing conservatory to the rear. The property is built at a slight angle to the unattached neighbour at No.40. The single storey outrigger at the rear is currently being converted to a conservatory under a previous approval.

The attached property (No.44) has patio doors adjacent to the boundary with site. On the other side, No.40 has a garage with a pitched roof adjacent to site with a conservatory attached to the rear of the garage. There is a bathroom window closest to the boundary on the rear and a small landing window to the side elevation.

It is proposed to extend over the existing garage and run a new pitched roof onto the existing roof. There would be a setback at first floor at the front by 1m. There will not be any windows to the side elevation. The extension would facilitate an additional bedroom and en-suite. Finishing materials would be brick and tile to match the existing house.

The rear boundary wall is approximately 10m away and properties to the rear are approximately 20 metres from the rear wall of the extension. The site is also at a lower level to these properties. Houses to the front are over 20 metres away.

Relevant Planning History

52407 - First floor/two storey extension at side; Single storey extension at rear - Approve with Conditions 07/05/2010

52905 - First floor/two storey extension at side; Single storey extension at rear (resubmission) - Approve with Conditions 23/08/2010

Publicity

Immediate neighbours notified by letter dated 03/10/2023. 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. 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 - The proposed extension would not appear out of keeping with the existing house and streetscape. Although the set back at first floor is less than the 1.5m suggested, the setback, together with the existing gap and angled orientation, would mitigate the appearance of terracing. It is also noted that the 1m setback was approved under a previous application. The proposed extension would be acceptable and would not have any seriously detrimental affect on visual amenity.

Given the above the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, 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 - The unattached neighbour at No.40 does not have any habitable room windows to the side elevation and there is a garage directly along the boundary with site. There is an existing conservatory to the rear but this should not be seriously affected by this development. No.44 is not impacted by the extension and distances to the front and rear are acceptable.

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 separation distance to the surrounding properties.

Parking - Access and parking would not be affected.

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 01, 02, 03A, 04A, 05, 06, 07 and 08 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	23/11/2023		