

DELEGATED REPORT

Report by Mo Warsame	Date of report: 01/05/2025	Ref: 71436/FUL
Registration: 11/12/2024	LDfC: 17/01/2025	Expiry Date: 05/02/2025
Site Visit: 26/02/2025	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side and rear extension

Location: 21 East Meade, Prestwich, Manchester, M25 0JJ

Description

This property is a two storey semi-detached house with a hipped roof. There is a single storey extension at the side. Houses along East Meade are a mixture of hipped and gable ended roofs. There is a small front garden with parking on site for one vehicle. There is plenty of on street parking to the front. At the rear there is a private garden with fences to all sides. Houses at the rear are approximately 17.5m from the two storey rear wall of the existing house. The attached neighbour at 19 East Meade has a small extension on the side/rear of the property. There a synagogue located on the opposite side.

Planning permission is sought for the erection of two storey side/ rear extension and a single rear extension. The two storey side/rear element would follow the shape of the remaining plot to the side to effectively square off the property. This involves the removal of the square bay window on the existing kitchen so that it would align with the proposed side extension. To the rear, both the proposed single storey and the two storey extensions would project 3.6m to the rear. The single storey element would infill the existing enclave. Following amendments all the proposed development would align on the rear elevation.

The development would accommodate two additional bedrooms on the first floor and pesach, office and cloak room on the ground floor along with internal alterations. The development would have pitched roof and would be constructed using matching materials.

Note: The description above is based on the revised plans received on 28/04/2025. On the original plans, the proposed extension had a projection 3.1m to the rear on the ground floor level. Meanwhile, the first floor level had a projection of 4.6m from the principal elevation and involved a cantilever with two supporting columns on the ground level.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 23/12/2024. One objection received, one supporting comment received.

Objecting Comments

The main concerns relate to the following:

1. The approximately of the development to our site.
2. The height of the proposed development, causing overshadowing effect.
3. Noise due to excavations and impact on foundations and walls.
4. Impact on living conditions and residential amenity

5. A request the wall of the extension facing our property and garden be rendered white, rather than being finished in brick, to maximise the reflected light into our rear areas

Supporting Comments

1. The adjacent property is in support for the proposed development.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original dwelling. The proposed two-storey side extension would have no set back on the first floor. However, given the property's orientation along with the fact this street has some houses with similar extensions without any set back in place. The proposed development would therefore not lead to unwanted terracing.

The proposal would have a simple and unobtrusive design that would not detract from the character of the dwelling. The development would be in keeping with the existing dwelling and would be constructed using some matching materials.

Overall the proposed development would not overwhelm the existing dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, or street scene and would therefore comply 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.

There would be no proposed side windows facing the adjoining neighbouring property (No.19) but there are two side windows facing the property on the opposite side. However, none of them would be primary windows or would be from habitable rooms and they will be obscure glazed as indicated on the amended plans (003.1). Additionally, the side extension would not project beyond the principal front and rear elevations and there would be sufficient distance to the rear boundary.

There would be no encroachment on any of the adjacent properties when the 45-degree rule is applied. However, the proposed two storey element would have a severe impact on the outlook of the adjacent property (No.1 Linksway). The proposed two storey side/ rear extension would be less than 13m from this property. SPD6 states that extensions shall maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) or a two storey blank wall of a neighbouring property. Additionally, the proposed extension would be to the south of this property (No.1 Linksway) and therefore overshadowing would be seriously excessive above and beyond the existing situation.

The agent sent a slightly reduced revised scheme, Following a lengthy discussions, negotiating to amend the proposal, However, the revised plans would still not be adequate.

Overall, The position of the proposed two storey side/rear extension, in relation to adjacent residential properties, by reason of its height, size and position would result in a negative impact on residential amenity due to its close overbearing position an unacceptable

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reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

Highways

The proposal will result in one additional bedrooms and but there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Response to objection(s)

Even though the proposal would be recommended for a refusal, it was not due to the comments from the objecting party but instead concerns relating to the two storey side/rear element on the opposite side. The report have addressed the main concerns of this neighbour (No.19). The design of the proposed development would have limited impact on the objecting party.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans as requested. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The position of the proposed two storey side/rear extension, in relation to adjoining residential property, by reason of its height, size and position would result in a negative impact on residential amenity due to it's close overbearing position an unacceptable reduction in the level of sunlight enjoyed by the occupiers of that adjoining property. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	01/05/2025	DM	02/05/25