

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/10/2022	Ref: 68808/FUL
Registration: 22/08/2022	LDfC: 05/10/2022	Expiry Date: 17/10/2022
Site Visit: 11/10/2022	Site Notice: N/A	Press Date: N/A
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 extension, single storey extension at side/rear and new front porch

Location: 11 Chatsworth Avenue, Prestwich, Manchester, M25 1LZ

Description

The property is a bay fronted semi-detached dwelling within a residential area. It has a drive to the front, a garden to the side and a yard with a garage to the rear. The adjoining neighbour is No.9 Chatsworth Avenue. This dwelling has a single-storey rear extension. To the opposite side and separated by a public highway are properties No.20, 22 and 24 Oaklands Drive. Directly to rear of the property is No.1 Oaklands Drive.

The application proposes a two-storey side extension and single storey rear extension along with a new front porch. The proposed two-storey side extension would project from the front elevation and run 7.7m to the building's rear boundary line. The single-storey rear extension would project 3m to the rear and run for 9.4m. The front porch would measure 2.4m in length and extend 1.25m to the front. The development would have hipped, pitched roof to the side and front along with a mono-pitched roof to the rear. The proposal would accommodate a porch, hallway, kitchen and lounge extension on the ground floor level and bedroom extensions together with an additional new bathroom on the first floor.

Relevant Planning History

N/A

Publicity

Neighbours notified on 13/09/2022.

Three comments received in support and stating the following.

- The house when finished will improve the area and fit in with the street.
- Increase value of property in neighbourhood
- It will be of benefit to the area and hope they can now proceed and get started

One comment received objecting the development and stating the following.

- The submitted plans do not accurately reflect the boundary of the property adjacent. The applicant wants to erect a 2m fence between the driveways and along the road without planning permission. This can cause a Health & Safety issue in terms of visibility for drivers along with the over development of the plot creating a dangerous junction. The plans issued do not reflect the intended works that are clearly visible on the ground currently.

One comment received with concern stating the following

- Change of render materials from light grey to red/dark red brick will ensure the street scene and street character are retained, in line with other similar extensions on Hill Top Avenue.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury

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

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.

On corner plots SPD 6 requires a distance of at least 3 metres between the side elevation and the boundary with the public highway. In this instance approximately 2.2m has been provided between the front corner of the proposed side extension and the side of the highway, increasing to approximately 3.5m at the rear corner of the proposed extension. Whilst the distance at the front is below the metres required when viewed in the context of the street scene, and the building line of the properties to the rear, the proposal would be considered suitably aligned. Therefore, the proposed two-storey side extension would be considered acceptable.

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 extension would have no be set back. However, given the site's irregular shape and its corner location the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

The proposed two storey side extension and the new front porch would have hipped roofs replicating the shape and style of the original and neighbouring dwellings. The mono-pitch roof of the single storey rear elements would be considered acceptable. The development would be rendered in light grey similar to that of No 2. Oaklands Drive. The proposed windows would be suitably aligned when viewed in relation to the existing window arrangement and the use of matching materials would create a harmonious development. The proposed extensions would be considered a suitable scale and massing and would not overwhelm the original 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, 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 two-storey side extension would have two non-habitable windows to the side facing the public highway and would not project beyond the existing footprint of the building. Additionally, there would be a distance of at least 3 metres on average between the side elevation and the boundary with the public highway.
- The proposed single-storey rear extension would have no proposed windows on the sides and would project no more than 3 metres to the rear. The extension would align with the extension of the adjoining property No.9 Chartsworth Avenue therefore, the 45-degree rule would not apply. As such there would be no significant loss of light and the proposal would not be unduly overbearing.
- To the rear, the proposed development would be directly facing towards No.1 Oaklands Drive. However, given the irregular shape of the site the development would have a varied distance of 5.1m to 6.5m to the shared boundary from the

single-storey rear extension and 8.2m from the proposed first-floor bedroom window. This would exceed the 7 metres required by SPD 6. Furthermore, No.1 Oaklands Drive would have no habitable windows on the side facing the site and the proposed ground floor windows to the rear would be screened by boundary treatments. Therefore, there would be no detrimental impact in terms of overlooking and privacy.

- The proposed front porch would be a relatively small development on this property and would not be classed as a habitable room therefore, there would be no detrimental effect on residential amenity at neighbouring properties. Given that the garage and driveway is situated to the rear of the dwelling and the porch would be erected to the front of the property there would be no detrimental impact on existing parking arrangements within the site.

Overall, there would not be any seriously detrimental effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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 would then require the proposal to provide a minimum of 2 parking spaces. The existing parking arrangements on site would remain as they are now, which would be a single space within the detached garage, and one spaces on the driveway in the rear. As such in this instance the parking arrangements are considered sufficient.

Summary of the objection

The submitted plans do not accurately reflect the boundary of the property adjacent. The applicant wants to erect a 2m fence between the driveways and along the road without planning permission. This can cause a Health & Safety issue and create a dangerous junction. The plans issued do not reflect the intended works that are clearly visible on the ground currently.

Response to the objection

The boundary of the proposed site appears to be accurate in our records. The applicant has signed a Certificate A and there are no signs of encroachment. Furthermore, boundary disputes are a private matter between the two parties.

The plans submitted do not show the erection of 2 metres high fencing and therefore cannot assessed in this proposal. Besides, up to 2 metres high fencing to the rear would be acceptable and would not require a planning permission. Overall, the proposal would be acceptable and would not have a detrimental impact on the street scene or neighbouring properties and as such complies with UDP Policy H2/3 and SPD 6.

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 11CA/1 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 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>
MW	14/10/2022		