

DELEGATED REPORT

Report by Amanda

Date of report: 17/03/2023

Ref:69331/FUL

Uhunmwagho

Registration: 07/02/2023

LDFC: 11/03/2023

Expiry Date: 04/04/2023

Site Visit: 01/03/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Variation of condition no. 2 (approved plans) of planning permission 68332 for single storey extensions at side and rear: Increase the width of single storey rear extension

Location: 17 Castle Hill Road, Prestwich, Manchester, M25 0FR

Description

The application relates to a previously extended two storey detached house. There is a garden to the front with parking available on site for at least two vehicles. At the rear there is a private garden with fences to two boundaries, trees and planting to the end of the garden and a hedge along the shared boundary with no.13 Castle Hill Road. There are existing two storey side and rear extensions with a patio area directly to the rear of the building.

Planning permission has been granted (68332) for a single storey extension to the side and rear of the dwelling. The current application seeks to vary condition no.2 (approved plans) of that application by increasing the width of the previously approved single storey rear extension to the north east side of the dwelling. The rest of the development would be built as already approved.

The proposed single storey extensions would be to the side/rear of the existing building. Along the south side elevation it would measure 6.33m and across the rear it would measure 11m. To the north east side of the house the extension would project 3.6m from the existing rear elevation. The roof would be hipped to the side and rear and would have 6 rooflights. Part of the new roof to the north east side would be flat with a Succah roof lantern.

To the north side of the existing two storey rear extension the proposed single storey extension would project 1.32m from the existing rear elevation and it would measure 4.16m wide. The roof would be flat with an opening Succah rooflight.

Relevant Planning History

46343 - Single storey extension at rear - Approve with Conditions 04/07/2006

68332 - Single storey extensions at side and rear - Approve with Conditions 21/06/2022

Publicity

Neighbours notified on 17/02/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

As all of the development would be to the rear of the existing dwelling it would not be visible in the public realm at all. However the design and finished materials of the proposed extensions are considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy 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 -

- There would be over 18m from the rear of the single storey extension to the rear boundary. This would be more than sufficient in terms of SPD6.
- The single storey extension close to the shared boundary with no.19 Castle Hill Road would project around 1m past the rear elevation of no.19 and there would be no windows in the side elevation facing the shared boundary.
- The gap between the side elevation of the extension and the shared boundary with no.19 would be retained. As such there would be no concern regards encroachment of the shared boundary with no.19 next door.
- The plans show that the extension to the southern side of the property would be built within the site boundary and certificate A has been signed. As such there would not be any concerns regards encroachment of the shared boundary with no.15 Castle Hill Road next door.
- The extension on the southern side would project around 4.1m beyond the rear elevation of the extension at no.15 next door. As the nearest window/door are not to a habitable room this projection would be considered acceptable in terms of SPD6.
- The 45° rule would be satisfied regards the nearest ground floor habitable room window on the rear of no.15 next door.

Taking the above in to consideration 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

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 DA21062.001 Rev 1, DA21062.002 and DA21062.003 Rev 12 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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>
AU -	17/03/2023	HL	24/03/23