

**DELEGATED REPORT**

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| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 01/10/2025 | <b>Ref:</b> 72099/FUL          |
| <b>Registration:</b> 25/07/2025 | <b>LDfC:</b> 15/08/2025           | <b>Expiry Date:</b> 19/09/2025 |
| <b>Site Visit:</b> 19/08/2025   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey extension at rear (86 Kings Road); first floor extension at rear (88 Kings Road); extension to existing retaining wall at rear (86 Kngs Road); new roof to existing single storey rear extension (88 kings Road) and new fencing at front, sides and rear (86/88 Kings Road)

**Location:** 86/88 Kings Road, Prestwich, Manchester, M25 0FY

**Description**

The application relates to two, two storey dwellings on the corner of Kings Road and Sedgley Park Road. The properties together accommodate the applicant's extended family. No.86 has been extended at ground floor to the rear and has two bedrooms at ground floor level with a further four bedrooms at first floor. No.88 has four bedrooms at first floor level. At the rear there is a small yard area.

The immediate neighbour to the rear at 1 Sedgley Park Road has a side gable adjacent to the rear boundary of the site.

The proposal involves two main elements:

Adding a single storey flat roof extension to the existing single storey extension at the rear of No.86, projecting into the small rear yard area 7.6m. The extended annexe would house accommodate a bedroom with an en-suite wheelchair accessible bathroom to cater for the needs of the owner's elderly mother. The extended annexe will also house a bedroom for a carer and a bathroom for the carer staff/visiting family. The extended annexe would also accommodate a living area and small kitchenette.

An first floor rear extension would extend above the existing single storey rear extension fronting Sedgley Park Road and have a new pitched roof carried over onto the existing house. It would be finished in brick and render to match the house.

**Relevant Planning History**

13/0459 - Siting of cabin - 05/09/2013

**Publicity**

Immediate neighbours notified by letter dated 27/08/2025. One objection received and summarised below.

- The site is on an elevated position when compared to our property (1 Sedgley Park Road). Any extensions or additions will therefore overlook our property to a very significant extent.
- The extension will be close to and reduce light into our dining room window. It will also create issues with respect to our privacy and will create an overbearing effect when in the room and looking out.
- The extension will also be close to our kitchen. The window for the same faces the property and the proposed alterations and so any increase in size to the same will lead to a reduction in the light reaching that room. It will also create issues with respect to

- our privacy and will create an overbearing effect when in the room and looking out.
- The extension will place a significant burden on the retaining wall which sits on our land and I do not know if the same will even support the proposed alterations. The retaining wall is the original wall that was in place when we purchased our property approximately 40 years ago.
- The extension will lead to a significant loss of light, privacy and will create an overly claustrophobic feeling for our dining room, kitchen and garden. We use the garden space a lot and an increase in size to the properties and walls will lead to a reduction in light for our garden and property. It will also create a claustrophobic and overbearing feeling in our opinion when in the garden, dining room and kitchen.
- The extensions and additions proposed would create a massive property which is not in line with the other properties in the local area. The property in question sits at the top of the row of gardens for Sedgley Avenue and will overbear on all of the same greatly in our opinion. Whilst we appreciate the needs of the owners of 86/88 Kings Road we do not believe that such significant extensions and alterations are warranted given the existing size of the properties in question and the fact that the two semi-detached houses are in effect becoming one.
- Reduced outdoor space in the area does not have a positive effect on local nature and wildlife, something that we want to see supported.
- So that you can appreciate our concerns I have attached some photographs to show the difference in the ground levels and to evidence the position of our dining room.
- We are very concerned that the size of the proposed extensions and alterations will make us reluctant to use the same as much as we do for some of the reasons outlined above and that will have a significant effect on our mental wellbeing. We believe that needs to be considered carefully.

### **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.

**Need** - The proposal aims to create accommodation for the applicant's elderly mother and carer at ground floor level. The application includes plans for an the extended annexe at ground floor with an en-suite wheelchair-accessible bathroom, a carer's bedroom and bathroom, and a living area with a small kitchenette. It also proposes creating a direct, internal entrance from the kitchen of 86 Kings Road to the new ground-floor annexe, eliminating the need for external access.

A statement from an occupational therapist has been submitted with the application to clarify the applicant's mothers condition and needs. Although the extension is an integral part of the existing house, it would be reasonable to attach a condition requiring the residential annexe to be ancillary to the main house it is attached to, in this case No.88 Kings Road.

UDP H2/3 and associated guidance within SPD6 allows for large extensions and alterations that would normally be concerning to be given a degree of flexibility with suitable justification in terms of special needs.

**Visual amenity** - The first floor extension at the rear, above the existing single storey would be in keeping with the main house with a brick and render finish to match the house. The pitched roof would be carried over onto the main roof.

The single storey rear extension would not be viewed from the public arena. In terms of visual amenity, the extension would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6 relating to alterations and extensions.

**Residential amenity** - The extension raises residential amenity issues with regard to the neighbour at the rear and the residents properties themselves.

The attached neighbour is an existing synagogue and would not be significantly impacted

by the proposal.

With regard to the neighbour at the rear (No.1 Sedgley Park Road), the initial scheme had the single storey extension projecting 4m beyond the neighbours rear elevation which has a lounge window facing into the yard. This single storey extension has been reduced in footprint and now projects 2.2m beyond the neighbours rear elevation. In addition the height of the extension has been reduced to a similar height to the existing single storey extension (approx 2.8m). The fence extending around the small yard would be 1.6m.

The revised scheme reduces the impact on the neighbour and now would accord with the Policy and guidance in that it would be less than 3m beyond the neighbour lounge window. The extension is directly north of the neighbour and should not have so serious impact on daylight as to warrant refusal.

It is obvious that the residents at the site seem to put greater weight on internal space but notwithstanding this, there is a need for a small amount of outdoor space.

With regard to the amenity of the residents at 86/88 Kings Road, the scheme reduces the existing rear yard area but introduces a small central courtyard in an effort to mitigate the loss of amenity space caused by the rear extension.

The original yard area measured 30sqm but has been reduced to 12sqm. To compensate the new amenity space, including the internal courtyard would be 30sqm and in this respect the proposal is, on balance, acceptable in relation to amenity space. To secure the retention of this space, it is reasonable to attach a condition requiring the space to remain open and not covered.

**Parking** - Like most properties in the immediate vicinity, the property does not have on site parking but utilises on-street parking. The proposal in creating an additional bedroom at first floor and a single storey annexe for an elderly relative and carer at the ground floor, on balance, there are no serious parking issues arising. The proposal is acceptable in terms of parking.

**Objection** - The planning issues raised by the neighbour have been addressed in the above report. The revised scheme has been reduced in scale and would not be as dominant along the shared boundary. Although the site is set up from the neighbour, the impact on both lounge and kitchen windows is not serious enough to warrant refusal. There are no windows directly overlooking the neighbour.

Issues with regard to stability of the retaining wall along the shared boundary would be addressed by building regulations.

In summary, whilst the scheme isn't ideal, on balance and in the light of the applicant's family needs, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance.

**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 revised site plan 502.3 and drawings numbered 002A, 002B, 003A.3, 003B.2 and 003C.4 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 and Places for Everyone Joint 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.
- 4      The rear yard areas shall remain open and uncovered.  
Reason. In order to retain external amenity space in the interests of residential amenity pursuant to UDP policy H2/3 and SPD6 relating to extensions and alterations.
- 5      The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 88 Kings Road.  
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| Tom Beirne          | 01/10/2025  |                         |             |