

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/12/2022	Ref: 68937/FUL
Registration: 30/09/2022	LDFC: 10/11/2022	Expiry Date: 25/11/2022
Site Visit: 10/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey / two storey extension at rear; insertion of patio doors , 1 no. first floor window and change in position to 1 no. existing window to side elevation and decrease in size of window to first floor rear elevation

Location: 51 Mountside Crescent, Prestwich, Manchester, M25 3JF

Description

Two storey brick semi-detached house in an elevated position. At the rear is garden that is enclosed by a wooden panel fence and there is woodland behind. The adjoining property has a kitchen/diner window closest to the boundary and a single storey porch type structure on the opposite side. The property on the opposite boundary is set approximately a storey lower. They have a kitchen window to the side elevation. On the rear elevation there is a back door closest to the boundary and patio doors beyond. There is a distance of over 20 metres to properties in front.

Planning permission is sought for a single storey / two storey extension at rear; insertion of patio doors, 1 no. first floor window and change in position to 1 no. existing window to side elevation and decrease in size of window to first floor rear elevation. The part single element would project 5 metres to the rear and measure approximately 5.8 metres in width. The part two-storey element would project 2.8 metres to the rear and run for 3.9 metres.

The proposal would facilitate a bedroom on the first floor along with an open plan kitchen/diner on the ground floor level. The development would utilise the use of matching materials and would have a pitched (hipped) roof over the part two-storey extension and a flat roof with roof light over the part single extension.

Relevant Planning History

48121 - Single storey extension at rear - Approve with Conditions 20/06/2007
68764 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 16/09/2022

Publicity

Neighbour letters sent on 21/10/2022. No Ojections 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

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

The proposed development would be simple and unobtrusive design and would not detract from the character of the dwelling. The part single, part two storey extensions to the rear would also be considered suitably in scale and the proposed windows would align with existing. The proposal would match existing materials and not overwhelm the 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 would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there would be no properties to the rear. There would be two proposed windows on the side facing No. 51a Mountside Crescent. However, the proposed side window on the ground floor level would be shaded by shrubs and high fencing, while the proposed window on the first floor would be conditioned to be obscure glazed.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The proposed part single-storey rear element would have no proposed windows on either side and would project 5 metres to the rear. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 5 metres along the shared boundary would be considered acceptable in this instance.
- In terms of the general prominence and impact on daylight the proposed part two storey extension would be setback 2.5 metres from the shared side boundary and would be to the north of No.51a Mountside Crescent. Furthermore, this property is set approximately a storey lower than the proposed site therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

Overall, the proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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 01, 02, 16, 30, 31 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

DELEGATED REPORT

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.

- 4 The ground floor kitchen windows facing 51a Mountside Crescent shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy of adjoining occupiers and to accord with 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	5/12/22	DM	5/12/22