

DELEGATED REPORT

Report by Jane Langan	Date of report: 03/08/2022	Ref: 68485/FUL
Registration: 23/05/2022	LDfC: 05/07/2022	Expiry Date: 18/07/2022
Site Visit: 06/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension, new front porch and alterations to side elevation window

Location: 17 Malvern Close, Prestwich, Manchester, M25 1PH

Description

The property is a semi detached house located at the top of a cul de sac. It has a drive to the front and garden to the side and rear. To the rear it has been extended single storey along the party wall side with a conservatory. The adjoining neighbour is No.19 and is extended single storey at the rear. To the rear the site borders the rear gardens to 32-38 Merton Road which are screened by the site planting.

The application includes a front porch 2.2m deep and 2.8m across. To the rear the conservatory would be removed and replaced with a single storey extension 4.5m deep across the full width of the property. It would form a kitchen with the existing becoming a utility. To the side elevation a window would be increased in height.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The front porch would not project excessively at 2.2m deep. It would have a dual pitched roof with a door to the front and glazing to the sides. To the rear the extension would have a dual pitched roof with roof lights. The party wall side and rear elevation would be blank wall with doors into the garden side. Materials would be to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The porch would extend on to the drive however there would still be a length of approximately 8m remaining. The area has on street parking and there is public transport available. The parking arrangements are the considered acceptable.

Residential amenity - The proposed porch would not be in close proximity to any neighbouring properties for it to have any significant impact.

To the rear the single storey would project less than 3m from the rear of No.19 as extended. The side would be blank wall.

The opposite side would have doors facing into the side garden and the rear elevation blank wall. The neighboring property to this side and those to the rear are screened by the

site planting.

The window to the side elevation increased in height would face into the site garden as the existing does and would appear to be a landing.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 2022-1626-P101, 2022-1626-P102, 2022-1626-P103, 2022-1626-P104, 2022-1626-P105, 2022-1626-P106 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	03/08/22		