

DELEGATED REPORT

Report by Jane Langan	Date of report: 23/10/2020	Ref: 65917/FUL
Registration: 11/09/2020	LDfC: 15/10/2020	Expiry Date: 06/11/2020
Site Visit: 28/09/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side

Location: 162 St Anns Road, Prestwich, Manchester, M25 9GJ

Description

The Property is a bay fronted semi detached house. It has an attached garage at the side and to the rear is extended with a conservatory and has a fenced rear garden. To the side of the site is public footpath 33 which runs along to woods which are part of Prestwich Clough to the rear of the site. Across the footpath to the side the neighbouring property is No.160 and has been extended two storey at the side.

The application proposes to remove the garage and construct a single storey side extension. It would come out 2.5m at the side and run for 7m along. It would form a gym and extension to the kitchen.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and one response has been received from No.160 who support the proposal and comment that the extension is a modest and sympathetic replacement for the existing garage.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comments received.

Property & Technical Services (Estates Consultancy) - No objection.

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 proposed extension would have a dual pitched roof forming a side gable wall with a window to the front elevation and door to the rear. Materials would be brick work and roof tiles to match.

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.

With the wall now forming the boundary with the public footpath and informative is added:-
The applicant's attention is drawn to the existence of Public Right of Way No. 33 which abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.

Parking - The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The existing drive to the front of the garage is 4.6m which is 0.4m sub standard the 5m as required by SPD6. The agent was requested to set the extension back in order to achieve this. The applicant instructed for only a set back of 0.2m from the original submission to allow for a 4.8m drive. Their argument for this is that the adjacent No.160 has extended two storey and the 4.8m drive was deemed acceptable. On checking this application (59761 Approved 14/03/16) it was acknowledged that the two storey would only leave a drive length of 4.8m however the 0.2m was not considered to be a deficit sufficient to warrant refusal. As such, for consistency in decision

making, it is also considered then that this should be the case for this site.

Residential amenity - The closest neighbouring property is No.160 across the footpath and which extends along with a blank side wall and therefore there would be no serious impact on the amenity of this property.

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 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 drawings numbered P2E270720 - Existing Rev a, P2E270720Rev b received 08/10/20 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	23/10/20	DM	02/11/20