

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 23/06/2022

Ref:68405/FUL

Registration: 05/05/2022

LDfC: 07/06/2022

Expiry Date: 30/06/2022

Site Visit: 18/05/2022

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: First floor extension at rear.

Location: 3 Belfield Road, Prestwich, Manchester, M25 0FN

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. There is a detached garage set behind the house at the top of a long driveway measuring 22m. The attached neighbour at No.1 is as originally built with the exception of a small rear kitchen extension, while the unattached neighbour at No.5 has an existing single storey extension (succah) at the rear plus a detached garage that has been converted to living space. The rear boundary has extensive tree(s) and shrubbery.

Planning permission is sought for a first floor rear extension that would be built entirely above the existing kitchen extension, and project out 3.42m and have a hipped roof carried over from the existing roof. Materials would match existing plus white rendering for the first floor section. It would be finished in a render to match the house and accommodate a new bedroom space although one existing bedroom would be converted to a bathroom, and hence no increase in bedroom spaces. There are no new side windows proposed.

There would be a separation of approximately 15m to the rear boundary, although there is no new boundary treatment proposed.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 17/05/2022 sent to 3 (three) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not

be readily visible from the public arena, although its design and scale is considered to be appropriate for this property. Materials would match existing plus white rendering to match the existing property. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

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, the 15m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.
- Although the proposed extension would project out from the existing building line by 3.42m, it is considered that there is no conflict with the 45-degree rule as the extension would be sufficiently set apart from both neighbours boundaries.
- There are no new side windows proposed.
- The kitchen window on the side elevation of No.5 is a side/ non-habitable room window and therefore cannot be afforded significant weight in any assessment. Similarly, although this neighbour also has a succah extension to the rear, the side windows cannot be given a great deal of weight.
- In terms of the general prominence and impact on daylight the proposed extension is set 2.15m off the shared side boundary and is to the south of No.5. The proposed extension would have some impact on part of that neighbours property in the mornings, although mitigated by the existence of outbuildings/extensions on that side of the shared boundary and but any overshadowing would not be seriously excessive above and beyond the existing situation.

Highways

No changes proposed, and the number of bedrooms would remain the same. The proposal would not affect the existing parking arrangements above and beyond the current situation / recent approved planning permission as mentioned above.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies 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 drawing DA22009 - 002 and DA22009 - 003 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 of the existing building plus white rendering as outlined in drawings submitted on 05/05/2022.
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>
SGR 23/06/2022	