

DELEGATED REPORT

Report by Jane Langan	Date of report: 14/01/2022	Ref: 67768/FUL
Registration: 08/11/2021	LDFC: 23/12/2021	Expiry Date: 03/01/2022
Site Visit: 13/12/2021	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: Two storey rear/side extension with gable end; Glazed rear balcony; Rebuild of front walls and 1.1m glazed barrier to parking level

Location: 45 Hilton Lane, Prestwich, Manchester, M25 9SA

Description

The property is a detached house that sits at a raised level from the footpath. It has a drive to the front and garden at a split level adjacent which is a garage below the hardstanding along the front of the house. To the rear the house is extended single storey and there is a fenced garden which backs on to a golf course. The neighbouring property to the east side is No.43 a two storey detached house extended single storey at the rear and with fencing and planting along the garden boundary. To the opposite side is No.47 a detached house located at a lower level to the site and is extended two storey at the side.

The application includes extending two storey at the east side 2.17m out and 5.4m along then a further 1.4m deep as single storey. To the rear a two storey would project 2.7m deep for 11.3m across. A balcony 1.2m deep and 3.6m across would come out from the master bedroom at the rear. To the front garden the existing retaining walls would be re built, rendered off white and a 1.6m high sliding aluminium gate installed. To the existing parking area directly to the front of the property a 1.1m glazed balustrade would be constructed.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 17/11/21. The agent dealing with application 67842 for the neighbouring No.43 queried encroachment over his clients boundary. The agent for this application revised the plans to deal with this and further notification letters were sent on 02/12/21. 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 two storey side extension would have a pitched roof running from the existing ridge and forming a side gable wall. To the rear the two storey would also be pitched forming a gable design. Materials would be a mix of off white render to new and existing brick and areas of feature slate. The immediate area comprises of detached houses of different design and the proposed extension would provide the property and its frontage with a modern and updated appearance. The rebuild of the retaining walls and addition of the glass balustrade would also improve the appearance of the frontage.

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 increase the number of bedrooms from 3 to 4 and SPD6

requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has an area at the front for parking which can accommodate this level of parking.

Residential amenity - The proposed two storey side would run along the side elevation to No.43 and the single storey section at the rear would not project past the rear of No.43 as extended. There would be no side windows in the proposal.

To the opposite side to No. 47 the proposal would be two storey at the rear. No.47 is at a lower level and extended two storey at the side and the gap between the properties would be such that there would be no encroachment over the 45 degree line from the mid point of the closest window, which is to its extension. The side elevation would be blank wall with one window to the ground floor to the side set in approximately 2.8m from the boundary where fencing also provides some screening. The proposed balcony would be to this side and the agent on submitting revised plans confirmed a 1.7m high screen added. It is however missing from the plan and as the agent is currently out of the country a condition is added. The balcony would not provide a large area of outside space at 1.2m deep and the addition of a screen would prevent overlooking to the garden to No.47. No concerns have been raised by No.47.

There would be a distance in excess of 7m from the proposed first floor rear windows to the boundary and there are no properties directly at the rear.

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 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:

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 ZT21-196-00, ZT21-196-01, ZT21-196-02, ZT21-196-03 & ZT21-196-04, ZT21-196-05, ZT21-196-07 received 30/11/21 & ZT21-196-07, ZT21-196-08 received 12/01/22 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 Before the first occupation of the extensions hereby permitted an obscure glazed screen shall be fitted to the west side elevation of the balcony (adjacent 47 Hilton Lane). It shall be 1.7m in height from the balcony floor level and extend along the

DELEGATED REPORT

full balcony depth and shall be permanently retained 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>
JL	14/01/22		