

DELEGATED REPORT

Report by Mo Warsame	Date of report: 01/03/2023	Ref: 69258/FUL
Registration: 19/01/2023	LDFC: 15/02/2023	Expiry Date: 16/03/2023
Site Visit: 10/02/2023	Site Notice: N/A	Press Date: N/A
08:30:00		
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of raised decking area with steps to garden level at rear

Location: 36 Richmond Avenue, Prestwich, Manchester, M25 0LZ

Description

The property is a semi-detached dwelling with bay windows located in a residential area with similar houses. The property has a drive to the front along with an area of private amenity at the rear. The adjacent properties on either side (No.38. and No.40 Richmond Avenue) are similar style buildings. The existing Succah extension projects 3.29m from the original rear elevation and extends across the rear elevation. There is also a small landing area to the rear of the property leading down to the garden below.

Planning application is sought for the construction of a decking platform with steps to the rear. The decking platform would be raised approximately 1 metre from the ground, project 3 metres and would also cover the entire width of the rear elevation. The development would accommodate an outdoor decking platform that would connect to the garden level.

Relevant Planning History

43643 - SINGLE STOREY REAR EXTENSION; LOFT CONVERSION WITH DORMER AT REAR - Approve with Conditions 18/01/2005

Publicity

Neighbour letters sent on 25/01/2023. One objection received.

Comments

Comment concerning the impact of the development would have their privacy due to the scale of the development and proximity to the shared boundary with this concerning neighbour.

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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The raised decking area would be to the rear of the property therefore, it would not be visible from the public realm at the front of the site. The development would be in keeping with the existing context and landscape. Overall, the raised decking would be in appropriate scale and would connect the dwelling to the garden level. Furthermore, there are number of similar developments within this street and the attached neighbouring property (No.38 Richmond Avenue) being one of them.

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Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The decking platform which would project 3 metres to the rear and raised approximately 1 metre would be entirely shaded by the extension of the attached neighbour (No.38) to the east. On the opposite side the decking platform would be shaded by scrubs and there would be a adequate setback to this property (No.34). Therefore, would not be any detrimental impact on the residential amenity of the adjacent neighbouring properties.

In terms of overlooking and privacy to the rear, there would be separation distance of 8.5 metres to the shared rear boundary. This would be acceptable and comply with adopted guidance in SPD6.

Overall, there would be no serious impact on the amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Response to Objection

The report have addressed the concerns of this neighbour. There would not be any significant detrimental impact on the neighbouring property's privacy. The above assessment above has highlighted that there would not be adverse impacts and addressed the concerns of the objections.

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 001, 002, 004 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>
MW	01/03/2023	DM	02/03/23