

DELEGATED REPORT

Report by Oliver Sear	Date of report: 02/10/2020	Ref: 65912/GPDE
Registration: 01/09/2020	LDFC: 02/10/2020	Expiry Date: 13/10/2020
Site Visit: 02/10/2020	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval of proposed single storey rear extension

Location: 49 Nipper Lane, Whitefield, Manchester, M45 7RJ

Description

A prior approval application for a larger homes extension to a terraced dwellinghouse on Nipper Lane.

There is an attached neighbour to the West which is No.51 Nipper Lane and an attached neighbour to the East which is No.47 Stanley Road which has its rear facing the side wall of the applicant dwelling. At the rear there is No.2 South Avenue with the dwellinghouse having a side wall facing the applicant dwellinghouse.

The application is for a single storey mono pitched extension off the rear wall of the dwellinghouse. It would be set back 125mm from the boundary with the attached neighbours. It would extend beyond the original rear wall by 3.75 metres and have a height of 3.7 metres and eaves at 2.6 metres. It would see removal of the existing utility/store projection.

As an objection has been received, the regulations require that the impact of the proposed development on the amenity of all the adjoining addresses must be assessed.

Relevant Planning History

None

Publicity

Neighbour letters sent 10/09/2020 - Objection from No.47 and 51 Nipper Lane.

The objection relates to the height of the proposal which would potentially limit the light to the proposal.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

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.

Unless a formal written objection is received from any of notified addresses as prescribed by the regulations, within the prescribed 21 days following the date of such notification prior approval will not be required as the proposed development complies with all the limitations and conditions of Part 1 Class A of the GPDO (as amended).

The dwelling is not Listed nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development Rights have not been removed.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

The proposal would not extend beyond the rear wall of the original dwelling by more than

than six metres.

The proposed development would not extend beyond a wall which forms the principal or a side elevation of the original dwelling and fronts a highway.

The overall height of the proposal would not exceed four metres and the height to the eaves would not exceed three metres.

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class A to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Report 2 - The objection has triggered the requirement to assess the impact of the proposal on all the neighbouring properties adjoining the application site.

Residential amenity - SPD6 sets out the criteria for single storey rear extensions and states that when adjacent a boundary of an attached property they should not project more than 3m from the rear elevation of that property. Extensions in excess of this will be assessed against the 45 degree rule and where they encroach across the 45 degree line will not normally be permitted unless it can be demonstrated that the amenity of the neighbour would not be seriously and detrimentally affected by the loss of daylight and sunlight into the house and garden space. Where the extension lies in relation to the orientation of the sun should also be considered.

The proposal would project 3.75 metres off the rear wall to No.51. It would encroach a 45 degree line from the nearest habitable window at 3 metres, at this point it would not encroach on a 25 degree line and as such is considered to be acceptable. The proposal would project 3.75 metres off the rear wall to No.47. It would encroach a 45 degree line from the nearest habitable window at 2 metres, at this point it would encroach on a 25 degree line by 500mm. The proposal would have a pitched roof reducing the impact past this point. A further factor is what could be built under permitted development. A single storey rear extension could be built projecting 3 metres off the back wall with a flat roof and a height of 3 metres. As such the proposal is not considered to create any significantly increased loss of amenity to No. 47 Nipper Lane over what could be built under permitted development.

Therefore the proposal would comply with H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

Response to Objections

Issues regarding residential amenity have been discussed in the main body of the report.

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: Prior Approval Required & Granted

Conditions and Reasons:

- 1 This decision relates to drawings numbered 1, 2 and the development shall not be carried out except in accordance with the drawings hereby approved.

DELEGATED REPORT

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.

- 2 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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>
O.S	02/10/2020	DM	08/10/2020