

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 18/12/2024 | <b>Ref:</b> 71280/FUL          |
| <b>Registration:</b> 23/10/2024 | <b>LDfC:</b> 25/11/2024           | <b>Expiry Date:</b> 18/12/2024 |
| <b>Site Visit:</b> 20/11/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** First floor side extension; Two storey rear extension

**Location:** 2 Watkins Drive, Prestwich, Manchester, M25 0DS

### **Description**

The application relates to a semi-detached two storey house on a residential road. The attached property at No.4 Watkins Drive, on the north east side has a garage on the boundary.

The proposed extension would project out from the existing elevation by 4.6m (3m from the two storey element). It would project across 7m before returning halfway across the rear elevation. The roof would be hipped and carried over onto the existing roof. Finished in brick to match the existing house. It would allow additional living accommodation at ground floor and an extra bedroom at first floor.

### **Relevant Planning History**

68455 - Single storey extension at front; First floor extension at rear and Detached outbuilding at side/rear - Approve with Conditions 28/07/2022

### **Publicity**

Immediate neighbours notified by letter dated 04/11/2024. No objections received.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions - N/A**

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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** - The extension at the rear is not viewed from the public arena and is, in design terms, in keeping with the house. With finishing materials to match, the extension is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in relation to extensions and alterations.

**Residential amenity** - SPD6 states that where a two storey rear extension would be on or adjacent to the boundary of another dwelling, it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond a 45 degree angle taken from the boundary at the 1 metre point.

The proposed extension would project out over 4 metres from the rear wall along the shared boundary with the attached neighbour (No. 4) and as such, the proposed extension would breach the 45 degree line when drawn 1 metre along the boundary.

The nearest habitable room windows/patio doors on the rear of No. 4 are centrally positioned on the rear elevation and would satisfy the 45 degree rule when drawn from these windows. However, the proposed development would be overbearing and would have a significant adverse impact upon the residential amenity of the neighbour and in particular the enjoyment of the rear garden. It is noted in particular that the extension would be

positioned to the west side of the neighbours garden and as such, there would be a significant impact in terms of overshadowing. It is also noted that the house at No.6 Watkins Drive is set back from No.4, further impacting on their rear garden

There would be no issues in relation to overlooking.

The proposal, in terms of residential amenity, is not acceptable for the reason set out above and conflicts with UDP Policy H2/3 and guidance in relation to extensions and alterations.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The proposed extension would be detrimental to the amenities of the neighbouring property at No.4 Watkins Drive, by reason of its height, size and position along the boundary with that neighbour. The proposed extension therefore conflicts with Policy H2/3 Extensions and Alterations of the Bury Unitary Development Plan and associated guidance in SPD6.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| TB - 18/12/2024     |             | HL - 18/12/2024         |             |