

DELEGATED REPORT

Report by Tom Beirne	Date of report: 18/12/2024	Ref: 71261/FUL
Registration: 06/11/2024	LDFC: 18/12/2024	Expiry Date: 01/01/2025
Site Visit: 20/11/2024	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: Demolition of existing rear extension; Proposed two storey side/rear extension; Single storey rear extension

Location: 31 Bury Old Road, Prestwich, Manchester, M25 0EY

Description

The application relates to a two storey semi-detached house fronting on to Bury Old Road at the junction with Albert Avenue. Single storey extension to the rear and side with a detached outbuilding on the rear boundary with No.141 Albert Avenue.

There are houses to north side, to the rear and across Bury Old Road. Across Albert Avenue to the south is a row of shops to the south. Foundation works for a previously approved extension have started. No.33 Bury Old Road, attached to north side has been previously extended to the side and rear.

The proposal is to build a two storey extension at the side, wrapping around the rear and a single storey extension projecting to the shared side boundary with the attached neighbour at No.31 Bury Old Road. The extension would project out from the main house to the side by 3.8m and run back, projecting 3.7m to the rear. There would be a gap of 2.4m from the wall of the side extension to the boundary with Albert Avenue.

There would be a bay window at the front and the roof would be hipped and carried over onto the main roof. Finishing materials would be red brick and tile to match the main house.

Relevant Planning History

69441 - Single storey outbuilding at rear and construction of a boundary wall with metal grills and gates - Approve with Conditions 01/09/2023
70982 - Demolition of existing single storey side/rear extension and erection of single storey side/rear extension - Approve with Conditions 11/09/2024
12/0292 - High fence - 01/06/2012
24/0367 - Not in accordance with the approved plans -

Publicity

Immediate neighbours notified by letter dated 06, and 27/11/2024. 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 and Streetscape - SPD 6 and UDP Policy H2/3 relating to extensions and alterations 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 site on the corner location would be prominent and as such any extension would need

to be in keeping with the existing building and streetscape. With the bay at the front and hipped roof and in materials to match, it would attempt to mirror the existing frontage. It would be set back from the side boundary with Albert Avenue by around 2.4m which would be sufficient in terms of SPD 6 which states that single storey side extensions should be set back from a boundary with a highway by at least 2m.

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 - Given that the attached neighbour (No.31 Bury Old Road) has a single storey extension on the shared side boundary at the rear, there are no residential amenity issues arising with regard to this neighbour. The extension is set well away from the boundary at the rear and the neighbour at No.131 Albert Avenue.

Access and Parking - The existing access and parking on the site remains unaffected by the proposed extensions. In terms of parking and access the proposal is acceptable and complies with UDP Policy H2/3 and 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 drawings numbered 1 -7 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 and Places for Everyone Joint Development Plan listed.
- 3 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	18/12/2024	DM -	20/12/2024

