

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/07/2023	Ref: 69626/FUL
Registration: 19/06/2023	LDFC: 12/07/2023	Expiry Date: 14/08/2023
Site Visit: 05/07/2023	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 side extension

Location: 8 Lime Avenue, Whitefield, Manchester, M45 7FW

Description

The property is a two storey bay fronted semi detached house. There is a surfaced garden and drive to the front. To the side works have commenced on an extension. To the rear the property is extended single storey across part of the elevation. The rear garden is fenced and beyond the rear boundary is the footpath to Ross Ave and across this trees. The neighbouring property to the side of the proposal is No.6, an extended two storey semi detached house with its drive alongside the site boundary.

The application proposes a two storey side extension. It would be set back 0.53m from the front elevation and run to the existing rear elevation. The extension would form a garage with utility room at rear and at first floor an additional bedroom and extended bathroom. An existing small bedroom would become a dressing room.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 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 - In order to prevent the appearance of uncharacteristic terracing SPD6 states that the front elevation of an extension at first floor level should be set back by 1.5m. Where there would be a gap to the side boundary a lesser set back is acceptable where the set back and gap remaining to the boundary total 1.5m. In this case the set back at first would be 0.53m. The ground floor has already been constructed and is approximately 0.85m to the side boundary fence. This would leave a shortfall of 0.12m. As this is a minimal amount it is not considered necessary to request the set back as it would not make any significant visual difference and impact on the design. The proposed roof to the extension would be hipped and sit below the main ridge. Materials are noted to be in keeping with the existing. The ground floor already constructed is in a brick that is matching to the existing side elevation. A standard matching condition is added.

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 not increase the number of bedrooms it would remain as 3 as the existing smallest bedroom would become a dressing room. 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 2 parking spaces. The front drive would be 5m in length following the extension. As this is a minimum a condition is added for it to be retained as such. The plans note the garage door to be a roller shutter type which would

not then open out on to the minimum length drive. A condition for this is also added. The plans note a second angled space on the already hard surfaced front garden. An informative regarding porous/permeable replacement surfacing is added. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - The proposed extension would run along the side to the drive to 6 Lime Avenue and the two storey side elevation of this property is blank wall. The proposal would have one small high level window to the side elevation to the garage and at first floor a bathroom window noted to be obscure glazed. A condition is added for this to be retained as such.

To the rear there would be no window to the first floor elevation 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 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 1.156 DWG1 Revision A, 1.156 DWG2 Revision A 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 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.
- 4 Before the first occupation of the extension hereby permitted the bathroom window to the first floor north side elevation shall, as noted on plan 1.156 DWG2 Revision A, be fitted with obscured glazing and shall be permanently retained in that condition 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.

- 5 A minimum hardstanding of 5m measured between the highway boundary and any proposed garage doors shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 6 The garage shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the satisfaction of the Local Planning Authority and shall thereafter be maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated 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	18/07/23	21/07/23	HL