

DELEGATED REPORT

Report by Mo Warsame	Date of report: 25/11/2022	Ref: 68886/FUL
Registration: 10/10/2022	LDFC: 01/11/2022	Expiry Date: 05/12/2022
Site Visit: 25/11/2022	Site Notice: N/A	Press Date: N/A
10:10:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension; Loft conversion with rear dormer

Location: 3 Spencer Avenue, Whitefield, Manchester, M45 7RE

Description

The application relates to a semi-detached dwelling situated in Spencer Avenue. The premises has an area of garden to the front and a private garden space to the rear. Properties No.1 and No.5 Spencer Avenue are on either side of the dwelling and there is a back street to the rear of the property.

Planning permission is sought for the construction of a two-storey side extension and loft conversion with rear dormer. The two-storey side extension would project approximately 3 metres to the side and run for 7.2m to align with the existing principle rear elevation. The loft conversion would involve the construction of rear dormer and accommodate two bedrooms and a bathroom. The proposal would facilitate a further bedroom and bathroom on the first floor and a kitchen extension, toilet and study on the ground-floor level. The development would have pitched roof over the two-storey side extension while the proposed dormer would have a flat roof.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 11/10/2022. No objections received.

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
SPD11	Parking Standards in Bury

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. The side extension would have a setback of approximately 0.7 metres. This would be below the 1.5 metres required by SPD6. However, given the slightly staggered building lines of properties in this street, it is considered that the proposal would not lead to the uncharacteristic terracing of dwellings.

The proposed two-storey side extension would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties. Situated to the rear, the rear dormer would have simple and unobtrusive design, which would not detract from the

character of the dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The two-storey side extension would have no habitable windows proposed facing towards No. 5 Spencer Avenue. The only proposed window would be on the ground floor toilet which would be conditioned to be obscure. Furthermore, the proposed side extension would have a sufficient setback from the shared boundary with this property.
- The proposed rear dormer would be located approximately 10 metres from the rear boundary exceeding the 7 metres required by SPD 6.
- The proposed front windows would be over 20 metres away from the properties in front and therefore, it would be considered acceptable.

Parking

The proposal will result in two additional bedrooms, however there will be no changes to site access, or parking. The current parking condition meets the maximum parking requirements.

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 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.

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- 4 Before the first occupation of the extension hereby permitted the windows at the ground floor toilet, subject to this application shall 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	25/11/2022		