

DELEGATED REPORT

Report by Amanda

Date of report: 10/01/2025

Ref:71387/FUL

Uhunmwagho

Registration: 27/11/2024

LDFC: 04/01/2025

Expiry Date: 22/01/2025

Site Visit: 07/01/2025

Site Notice: N/A

Press Date: N/A

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

Location: 33 Stanley Road, Whitefield, Manchester, M45 8GT

Description

The application relates to a two storey semi-detached house with garden areas to the front and rear of the property and a driveway to the front. The property is currently empty and in the process of being renovated. The garden is overgrown. To the west of the site is an area of land which is within Council ownership and there are mature trees adjacent to the site.

The proposal is to build a two storey side extension measuring 4519mm wide x 7278mm long. It would be built flush to the front and rear elevations of the existing property and the roof would be hipped.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 10/12/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The proposed extension would be built with materials and a design that would be considered to be in keeping with the existing building. As such it would not cause any significant detrimental harm to the current streetscene.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The property looks onto a highway with a public park/playground opposite.

- At the rear of the site is an area of land with trees on it. There are no residential properties within 20,000mm to the rear of the application property.
- To the west of the site is an area of land with trees on it. On the other side of the trees is Stanley Street. Properties on this street are over 20,000mm from the site boundary.
- As the extension would be built on the west side of the existing dwelling there would be no detrimental impact on residential amenity at no.35, attached on the east side.
- The front elevation would be around 7600mm set back from the front boundary. This would leave a sufficient drive length in front of the extension so at least two vehicles could be parked safely within the site boundaries.
- At the rear the extension would be around 9800mm from the rear boundary, which would be the same distance as the existing property. This would be acceptable in terms of SPD 6.
- The west side elevation would be around 2800mm from the boundary. As such there would be no concern regards encroachment onto the adjacent land.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Trees -

There are two questions on the application form that ask if there are any trees or hedges on site, or on adjacent land that are within falling distance of the proposed development. The agent has said there are none on the application form and they have also confirmed that no trees or hedges would need to be removed or pruned in order to build the extension.

However, there are a few small trees in the area where the extension would be built and so they would need to be removed. As there are no TPOs to the trees within the site the applicant would be fine to remove them as they wish.

The land to the west of the site belongs to the Council and there are several trees on that land that line Stanley Street to the west of site. Two large trees in particular are adjacent to the site and very close to the site boundary. As such they are within falling distance of the property and the tree roots system would extend under land on site. At least one of the trees is likely to need cutting back as it currently overhangs the area where the extension would be built.

Taking the above into account and informative should be added to the decision advising the applicant that they need to contact the Council prior to undertaking any works to the adjacent trees, as they are the owners of the land. In addition a condition would be added advising that when the foundations are being dug they must hand dig below the canopy of the tree in order to ensure that the tree's roots are not damaged.

Parking -

The proposal would increase the number of bedrooms from 3 to 4 and 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 3 parking spaces. The site as existing has an area at the front for parking a vehicle and this would remain following the side extension which would be set back from the front of the property. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 drawing numbered PL01 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 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, and Places for Everyone Joint 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 All trees to be retained on land directly to the south west side of the site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 5 Beneath all areas of the canopies of the trees excavations and all construction work for the proposal hereby approved must be 'hand-dig' only. No storage of materials or equipment or use of the area by vehicular traffic allowed.
Reason: To safeguard the vascular and anchoring root systems of the trees to avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU 10/1/25			