

DELEGATED REPORT

Report by Amanda

Date of report: 11/06/2024

Ref:70633/FUL

Uhunmwagho

Registration: 19/04/2024

LDfC: 13/05/2024

Expiry Date: 14/06/2024

Site Visit: 17/05/2024

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: Single storey extension at side/rear and garage conversion

Location: 10 Penrith Avenue, Whitefield, Manchester, M45 6UJ

Description

The application relates to a two storey, red brick semi-detached house with bay windows to the front and a single storey extension and conservatory to the side/rear. There is a brick wall along the front boundary with pillars to either side of the drive entrance and a short fence along the boundary with no.8 next door. There is planting along the shared boundary with no.12 at the front. At the rear there is a private garden with fences to all boundaries.

The proposal is to replace the existing conservatory with a single storey extension to the side and rear of the existing dwelling. It would project 4.3m along the shared boundary with no.8 Penrith Avenue and 5.4m across the rear. the roof would be pitched at the rear and there would be bi-fold patio doors installed in the rear elevation. At the side the roof would be flat underneath the existing upper floor window and then it would slope down to the rear elevation.

The garage would also be converted into a store at the front (the garage door is to remain) and an office and utility room to the rear.

Relevant Planning History

68498 - Single storey extension at side/rear and garage conversion - Approve with Conditions 25/08/2022

70593 - Non-material amendment following grant of planning permission 68498 (Single storey extension at side/rear and garage conversion):

The Applicant would like to square off the extension and make it longer - Withdrawn - Invalid 15/03/2024

Publicity

5 neighbours notified on 22/04/2024 - 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 appearance of the property would not change at the front. All of the development would be either internal or to the side/rear of the dwelling. The extension would have a partial flat roof to the side but as this would be set well back from the front elevation it wouldn't be readily visible in the streetscene. From the highway the roof would appear as pitched.

The extension would be built with materials and a design that would be considered to be in keeping with the existing building.

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 -

- The rear extension would be around 8.4m away from the rear boundary, which would be acceptable in terms of SPD 6.
- The extension would project around 4.3m along the shared boundary with no.8, unattached to the north. As the extension would be built directly along the shared boundary the roof and gutters would encroach the boundary. Certificate B has been provided with the application and notice was served on the next door neighbour on 20/05/2024. As the applicants have served notice on their neighbour they have satisfied the requirements of the planning application. Any boundary disputes would be a civil matter that the relevant parties would need to discuss privately.
- There would be no windows in the side elevation along the boundary with no.8 next door.
- The extension would not project any further along the shared boundary with no.8 than the existing conservatory does. The structure would be slightly higher with a pitch roof sloping down to the rear. The site is due south of no.8. As such the existing two storey building would already have some impact on sun light accessing the side of no.8. Therefore the single storey side extension would not have any more of an impact. Light access to the rear of the house and garden would not be significantly detrimentally affected by the proposed development.
- There is an existing single storey extension to the rear of the property. There would be no new development along the shared boundary with the attached neighbour and the new extension would be built a sufficient distance from the boundary with this property not to have any detrimental impact on residential amenity.
- Given the location of the single storey extension it would not have any impact on existing parking arrangements within the site.
- The garage would be converted into a store at the front with an office and utility room to the rear. These works could be undertaken as Permitted Development, but in terms of the planning application this would result in the loss of one space within the site. However, there would still be two parking spaces remaining to the front on the driveway and there are no parking restrictions to the highway in front.

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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway to the front of site.

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 220101.001 Rev S1, 220101.002 Rev S1, 220101.003 Rev S3, 220101.100 Rev P3 and 220101.101 Rev P4 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.
- 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/06/2024			