

DELEGATED REPORT

Report by Amanda

Date of report: 11/06/2024

Ref:70690/FUL

Uhunmwagho

Registration: 23/04/2024

LDfC: 12/06/2024

Expiry Date: 18/06/2024

Site Visit: 10/05/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Proposed single storey side extension

Location: 13 Hill Top Avenue, Prestwich, Manchester, M25 1LL

Description

The application relates to a two storey semi-detached house which has a garage to the side and single storey extensions to the rear. There is a garden to the front with a brick wall and planting along the front boundary, a short fence and planting along the shared boundary with no.11 and a short fence along part of the shared boundary with no.15 (upto the front of the existing garage). At the rear there is a private garden with fences and planting to all boundaries.

The proposal is to remove the existing garage at the side of the house and rebuild a new one over the same footprint. The structure would be finished with materials that would match the existing dwelling and the main difference between the existing garage and the proposed is that the proposed garage would be slightly higher. It would be used as a garage with a small area to the rear end being converted into a utility room and wc.

Relevant Planning History

N/A

Publicity

4 neighbours notified on 24/04/2024 - No objections received. One comment received.

Thank you for the planning permission documentation for 13 Hill Top Avenue. In principle we have no concerns about the temporary garage structure being removed, and a permanent brick garage being built. The Proposed Plan documents provided by Thorp Design do not match the Land Registry plans we have from when we purchased our property (the boundary line is not a straight line as suggested in the Proposed Plan documents). We would just like some reassurance that the garage is not going to encroach on our side of the boundary line, and that if any damage is done during the building process to the flooring or fencing during the build that this will be covered by 13 Hill Top Avenue.

Revised drawings were sent to the neighbour who made comments on 21/05/2024 and they responded on 25/05/2024 with the following comments;

- The overhang seems likely to be an encroachment upon our property and in view of the kinked boundary we have commissioned a boundary survey.
- Attached for your information is the documentation we have received from Thorp Design Services to-date, including a letter which indicates a difference in overhang from your email, of "approx. 75mm" compared with "40-50mm".
- Please note, we have not received a Party Structure Notice (only the "acknowledgement of a Party Structure Notice").

An email response was sent to the neighbour on 03/06/2024 advising that the difference between the overhang measurement given by the agent prior to the revised drawings being submitted are possibly due to the agent realising the overhang would be more when they were drawing the revised plans.

With regards to them not receiving a Party Wall Structure notice they were advised that as long as the applicant has given them notice in the form of a letter, this would be considered acceptable. They were also advised that the LPA has not jurisdiction regards boundary disputes and this would need to be discussed with the applicant directly.

In the email the neighbour was also advised that if they had any further comments regards the proposal they would need to submit them by 10/06/2024. No further comments have been received to date.

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 new garage extension would replace one of a similar size and design. It would be finished with materials 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 -

- There would be no changes to the rear elevation of the existing dwelling.
- Directly to the rear of the site are Metrolink tracks.
- As the extension would be to the west side of the dwelling there would be no detrimental impact on residential amenity at no.11 Hill Top Avenue.
- The extension would be replacing an existing garage with a new garage, utility room and wc which would be over the same footprint as the existing garage.
- The flat roof over the garage would be raised to the same height as the existing single storey extension to the rear of the garage. Given the main dwelling is two storeys high the slight increase in height to the extension would not have any more of an impact on residential amenity at no.15 than the existing structure does.
- There are no habitable room windows to the side elevation of no.15 next door and there would be no new windows in the west side elevation facing no.15.
- As the new structure would also be a garage the separation distance to properties to the front of the site would be acceptable.
- The new structure would not alter the existing parking arrangements within the site.
- Certificate B was submitted on 20/05/2024 and a letter of notice was served to the neighbour at no.15 Hill Top Avenue. This would satisfy the requirements for the planning application with regards any encroachment onto land at no.15 next door. Any boundary concerns would be a civil matter which the neighbour and applicant would need to discuss privately.

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 drive at the front.

Response to neighbour comments -

Boundary concerns and possible damage caused to neighbouring property and/or land would be considered to be civil matters which the applicant and the relevant neighbour would need to discuss privately. They would not have any bearing on the assessment of the planning application. An email was sent to the neighbour concerned on 13/05/2024 advising them this and also that they should speak to the applicant and also seek legal advice if they think it is necessary.

Comments received in respect of revised drawings have been addressed in the report above.

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 ZT23-196-02 and ZT23-196-04 received on 24/04/2024 and drawings numbered ZT23-196-00, ZT23-196-01 and ZT23-196-03 received on 17/05/2024 as modified by the email from Thorp Design Services Ltd dated 17/05/2024. The development shall not be carried out except in accordance with the details 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		DM - 12/06/2024	

