

DELEGATED REPORT

Report by Jane Langan	Date of report: 13/02/2023	Ref: 69082/FUL
Registration: 14/11/2022	LDfC: 11/02/2023	Expiry Date: 09/01/2023
Site Visit: 07/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extensions to side and rear

Location: 29 The Meadows, Prestwich, Manchester, M25 1DT

Description

The property is a semi detached house located at the top of a cul de sac. It has been extended two storey across part of the rear elevation. There is a path along the side which is covered with a lean to structure and to the rear is a fenced garden. The adjoining property is No.30 and to the rear has its main window to the party wall side. To the opposite side No.28 sits to the south and is off set to the east. Part of this property faces the side elevation of the site and there is fencing separating the gardens. The rear boundary of the site borders the rear garden to 42 The Meadows.

The application proposes a single storey rear extension 3m deep adjacent the existing two storey. No room use is noted. To the side a single storey extension would come out 2m set back 5m from the front elevation. It would run for 10.55m of which 6.5m would project beyond the rear elevation for 2.5m across. It would form a utility room with wc.

Relevant Planning History

61134 - Two storey rear extension - AC 13/03/2017.

Publicity

Surrounding neighbours were notified by letter on 29/11/22. A further 10 day letter was sent 01/02/2023 (first class) regarding the 0.085m increase in side extension and single storey rear reduced to 3m. Two responses have been received from nearby neighbours. Their concerns in summary are :-

- Loss of light
- Overlooking
- Potential adverse consequences, in selling their property due to significant loss of light
- Reduced dimensions will have no effect in achieving increased light into my property
- Close to boundary. Insufficient room to build and maintain.
- Applicant should liaise with neighbours to come up with an amicable plan

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 - The proposed side extension would be set back 5m from the front elevation and would then have limited view from the main street. It would have a monopitch roof with doors/windows to the front elevation and garden side. The single storey to the rear would have a monopitch roof with roof lights and doors/window to the rear. The form notes materials to be concrete tiles and brick. 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.

Residential amenity - The proposed single storey rear extension would project 3m from the rear elevation of No.30. The side elevation would be blank wall. SPD6 deems a 3m projection from a neighbouring rear wall as an acceptable depth and this is generally permitted development. As such there would be no grounds for refusal.

The proposed single storey side extension would run along the garden boundary with No.28. As existing there is a covered lean to structure and fencing along the side of the site that would be removed. The single storey would run almost the full length of the boundary to No.28. It would be located to the north side with eaves at 2.5m sloping away and to a ridge height of 3m. The orientation of the proposed extension is such that it would not reduce light or cause overshadowing to No.28 to any unacceptable level. Permitted development would also allow the site a single storey extension at the side and outbuildings up to 2.5m in height can be positioned along a boundary. The side elevation of the proposed extension would be blank wall. The front elevation would have a door and window facing down the gap to the side of the site. In conclusion, there are not considered to be grounds for refusal with regard to loss of light or privacy to No.28.

The rear elevation of the proposed side extension would come up to the boundary with the rear garden to 42 The Meadows. There was to be a wc window in this elevation however it has been moved to the side facing into the site garden. No.42 would not directly face the proposal, as it is off set, and the separation distance would also be well in excess of 6.5m.

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.

Response to objections - The issues regarding loss of light, overshadowing and overlooking to the relevant neighbouring properties are addressed in the above report. Property sale and values are not planning matters. How the applicant builds and maintains the extension is a matter for them to resolve. It is up to the applicant if they discuss a proposal with neighbours prior to submission.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 P01, P02, P03 revised plans received 10/02/23 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.

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- 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>
JL	13/02/23		