

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/02/2024	Ref: 70326/FUL
Registration: 08/12/2023	LDfC: 25/12/2023	Expiry Date: 02/02/2024
Site Visit: 02/02/2024	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey rear extension with fenced balcony; Front porch with associated steps

Location: 59 Agecroft Road East, Prestwich, Manchester, M25 9RQ

Description

The application relates to a detached dwelling within a residential area. The property is located on Agecroft Road East in the Prestwich area. The premises has two driveways on either side of a front garden. There is a large area of private amenity surrounded by high scrubs and trees to the rear. The adjacent properties on either side are No. 57 and No. 61 and the properties to the front and rear are over 20 metres away.

Planning permission is sought for a part two/part single storey rear extension along with a first-floor balcony to the rear and single storey front porch with associated steps. The proposal would also include external and internal alterations.

The single storey rear extension would project 6.5 metres to the rear and run the entire width of the property. The first-floor extension would infill the enclave between the existing bedrooms to the rear and the existing setback that exist on the side of the rear elevation towards the shared side boundary with No. 61. This would create a rectangular extension with projection of 1.7 metres that would run the entire width of the dwelling. The first-floor balcony with its 1.6m high side fencing would extend from beyond this point and project approximately 2.8m to the rear. The development would also include the proposed front porch with associated steps, projecting 1.55 metres to the front.

The development accommodates a new porch and living room extension on the ground floor. On the first floor, there would be bedroom extensions, additional bathroom, and a new balcony. The development would have flat roofs above the part single/two storey rear extension and a pitched roof above the proposed porch to the front. The proposal would also utilise the use of some matching materials.

Relevant Planning History

23/0415 - Landscaping works - 15/12/2023

Publicity

Neighbour letter sent. One objections received.

Comment

Concerns of potential overlooking from the proposed balcony along with a clarification on whether the proposed balcony would be fenced off at the sides /ends.

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

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The part single, part two-storey rear extension would be built with materials that would complement the existing building. This is a design which is commonly found on this type of property and as such, there are number of properties with similar developments within this area. The proposed balcony would be modest and would have high fencing on either side facing the adjacent neighbours. Furthermore, there are high trees and scrubs that would further shade proposed development from the adjacent neighbours. The developments above would all be built in the rear of the property and would not be visible in the street scene at all.

There would be a proposed single storey porch extension to the front. However, this would be a modest structure that would not interfere with the existing parking. Moreover,

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

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

- There would be no proposed habitable side windows on the first floor and the proposed side windows on the ground floor dining room would be shaded by the existing high fencing and scrubs along the shared boundary.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected this particular part of the development the projection of 6.5 metres along the shared boundary would be considered acceptable in this instance.
- The proposed rear balcony would be located approximately 45 metres from the rear boundary exceeding the 7 metres required by SPD 6. Additionally, the balcony would project less than 3 metre to the rear and would not extend beyond the principal rear elevations of the adjacent properties. Furthermore, there would be a sufficient setback from the shared side boundaries with the adjacent properties and the balcony would be shaded by 1.6m high fencing and the scrubs that surrounding along the site's boundaries.
- In terms of the general prominence and impact on daylight the proposed extension is set off from the shared side boundaries and would be east of No.57 and west of No 61. Given the positioning and size of the extension and the existing high trees and scrubs, there would be minimum impact on this neighbour's rear garden.
- The proposed front porch would be modest structure and would not interfere with the existing parking arrangement. Furthermore, there would be over 20 metres to properties in front.

Highways

The proposal will result in no additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Response to Objection

The report have addressed the main concerns of the neighbour. There would not be any significant detrimental impact on the neighbouring properties.

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 the drawings received on 11/12/2023 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 Before the first use of the balcony hereby permitted, the privacy screens shown on approved plan GSS23122.2 005 Rev 1, at no less than 1.8 metres in height shall be installed and shall be permanently retained 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 - 05/02/2024			