

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 02/02/2022

Ref:67710/FUL

Registration: 11/11/2021

LDfC: 02/12/2021

Expiry Date: 06/01/2022

Site Visit: 25/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey front/rear/side extension; External works to the front elevation.

Location: 4 Mardale Close, Prestwich, Manchester, M25 2RG

Description

The application relates to a two-storey semi-detached house on a small residential cul-de-sac of similar properties. The attached neighbour has a single storey extension at the rear and the unattached neighbour has a single-story side extension. The existing layout including a rear conservatory extension, large garden with outbuilding at the far end, and parking for one car plus garage.

Planning permission is sought for a single-storey front/rear/side extension that would project out approximately 1m (canopy only), 2.8m, and 2.9m respectively and have a monopitch roof wrapped around the house incorporating skylights. Materials would match existing. There are no new side windows proposed.

There would be a separation of approximately 8m to the rear boundary which has an existing outbuilding, small trees, and shrubbery.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 11/11/2021 sent to 8 (eight) neighbours. One objection was received.

Objections -

Concerns are summarised below:

- At this stage, I cannot support the build until assurance is given on the points below.
- The proposed extension to 4 Mardale Close has the potential to overlap and infringe on the width of the driveway of number 6 Mardale Close which borders 4 Mardale Close.
- The build should not overlap the currently established boundary restrictions set up by the existing garage at number 4 Mardale and not overlap/infringe the driveway of number 6 Mardale Close.
- Note: if the current boundary restrictions were exceeded this would not only make the driveway of 6 Mardale Close narrower but would also impact vehicles parked on the drive, preventing vehicle doors to be opened to exit the vehicles and driving vehicles to the rear of 6 Mardale Close.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the front, side, and rear, the extension would be readily visible from the public arena although its design and scale is considered to be appropriate for this property and streetscene. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 8m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing outbuilding, plus tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The proposed will provide residents with improved internal amenity space incorporating a large kitchen diner with views overlooking the garden. The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. In terms of the unattached neighbour at Nr.6, there is a side kitchen window at an angle. The kitchen window on the side elevation of Nr.6 is a side/ non-habitable room window and therefore cannot be afforded significant weight in any assessment. Additionally, the front/side projection of the extension will not affect neighbour at Nr.6 as there are no front ground floor habitable windows affected by the '45-degree rule'.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary with Nr.2 but is entirely single storey and extends less than 3m from the rear building line. As such any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact to warrant refusal. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would involve the loss of an existing garage space, and the standard perpendicular front parking space, to be replaced with a new diagonal parking space in the front garden. It is considered that although the proposed new space is unusual in its siting and potentially inconvenient, it nevertheless meets current parking standards.

Note to neighbours – The proposed development has been checked with regards to the overlapping of any shared boundaries. Plans submitted by the agent show that both the walls and eaves are within the applicants site boundary and will not encroach on the neighbours existing driveway minimum width of 2.4m as required in current parking policy guidance.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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

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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 Project 2173 Drawing 03, Drawing 04, and Drawing 05
 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 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>
SGR 02/02/2022	