

DELEGATED REPORT**Report by** Amanda**Date of report:** 05/09/2024**Ref:**70235/FUL

Uhunmwagho

Registration: 22/11/2023**LDfC:** 14/12/2023**Expiry Date:** 17/01/2024**Site Visit:** 04/12/2023**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:** Two storey side extension**Location:** 10 Nuttall Mews, Whitefield, Manchester, M45 6QZ**Description**

The application relates to a two storey semi-detached house situated at the head of a cul-de-sac, with a garage to the side. Properties to the east on Nuttall Avenue have a much lower land level compared to that on site and the closest building is around 15,000mm away from the application dwelling. There is a small open plan front garden and drive for one vehicle. Access to the rear garden is via a path to the side of the garage. The rear garden has fences and planting to all boundaries and directly to the rear of the site is a public car park.

The proposal is to build a two storey side extension providing a kitchen/dining room extension at ground level and a new bedroom and en-suite to the first floor. The whole of the extension would be set back from the main two storey front elevation by 1887.5mm. It would measure 2812.5mm wide x 5502.5mm long. The rear elevation would be flush with the existing rear elevation and the roof would be hipped.

Relevant Planning History

N/A

Publicity

4 neighbours notified on 22/11/2023 - No comments or objections received. There was some conversation with a neighbour regards the development, but they did not submit any written comments or objections.

Statutory/Non-Statutory Consultations

Highways - The Highways engineer advised that there is a service strip that runs along the front of the driveway on site which is designated as part of the highway. Normally any development, including driveways should be constructed away from this area, but in this instance the service strip runs along the front of all the driveways along Nuttall Close and there are no pavements. As such the Highways engineer has advised that they would agree to allow the applicant to use 1200mm of the service strip area as part of the driveway, with 600mm remaining to the front, as long as the parking space within the site measures 5000mm. The revised proposed drawings (ref 1044-P-102 Rev A) note where the service strip is and clearly show a parking space of 5000mm and the proposed parking space would be in more or less the same area as the existing parking space.

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
HT2/4	Car Parking and New Development

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 extension would be set back from the front of the property and the hipped roof would be lower than the existing roof. As such it would remain subservient to the main dwelling. In addition it would be built with materials and a design that would be considered to be in keeping with the existing building. Therefore, the proposed extension would not have any significant detrimental effect on the character of the existing streetscene.

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 side extension would be set back from the two storey front elevation by 1887mm, leaving 5000mm drive length to the front. This would be acceptable in terms of requirements as set out in SPD 6.
- The side elevation would be 862mm away from the side boundary leaving a clear path to the rear garden. This would be the same distance as where the existing garage is now.
- Properties to the east on Nuttall Avenue are much lower compared to the site and there is currently around 15,000mm between the application property and the rear elevation of no.2 Nuttall Avenue. The proposed extension would bring the building 2812.5mm closer to the side boundary, reducing the separation distance between the houses. However, as the extension would be set back from the front elevation of the application dwelling it would not directly face onto the rear of no.2 Nuttall Avenue. It would be built to the rear of garages and parking area to the north of this property. As such it is considered that the extension would not have any significant detrimental effect on residential amenity at the rear of no.2 Nuttall Avenue, or any properties to the east of site.
- As the extension would be to the east side of the dwelling there would be no significant detrimental impact on residential amenity at no.9 Nuttall Mews, attached to the west.
- There would be around 5880mm from the rear of the extension to the rear boundary and the proposed first floor window would be to an en-suite bathroom which would be obscurely glazed. As such the distance to the boundary would be acceptable in terms of SPD 6. In addition the area to the rear is a public car park.

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 increase the number of bedrooms from 2 to 3 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. Parking would be as existing to the front drive where there is space for one vehicle. The area has on street parking and there is public transport available close by. In this instance then the parking arrangements are considered sufficient.

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 drawing numbered 1044-P-101 received on 09/11/2023 and drawings numbered 1044-P-102 Rev A, 1044-P-103 Rev A, 1044-P-104 Rev B and 1044-P-105 Rev A received on 05/09/2024 as modified by the email from Mr Joe Ball dated 05/09/2024. 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.
- 4 Before the first occupation of the extension hereby permitted the rear first floor en-suite bathroom window shall be fitted with obscured glazing and shall be permanently retained in that condition 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.
- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.
- 6 The highway improvements indicated on the submitted plans shall be implemented prior to the development being brought into use.
Reason - To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>

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DM 05/08/24