

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 25/03/2022

Ref:67890/FUL

Registration: 31/01/2022

LDfC: 25/02/2022

Expiry Date: 28/03/2022

Site Visit: 17/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level:

Stat Class: HOUS

Proposal: Extension to existing front porch; demolition of rear garage and erection of outbuilding for home office / games room in rear garden

Location: 70 Heywood Road, Prestwich, Manchester, M25 1FN

Description

The application relates to a two-storey semi-detached house on a residential street of generally similar properties. The unattached neighbour at No.42 has a single storey side extension at the rear and the neighbour on the other side is as originally built. The rear boundary has no trees or shrubs.

Planning permission is sought for:

- Extension to existing front porch that would extend by 2.04m from the main elevation with a floorspace of 6.84m² with a monopitch roof; and
- Demolition of rear garage and erection of outbuilding for home office / games room in rear garden, to measure 4.10m by 6.34m with a pitched roof.

Both extensions would be single storey and materials would match existing.

Relevant Planning History

58684 - Two/single storey extension at rear and conversion of existing flat roof at rear to pitched - Approved July 2015

59354 - Two storey extension at rear and conversion of existing flat roof at rear to pitched (resubmission) - Approved Nov 2015

Publicity

Immediate neighbours notified by letter dated 04/02/2022 sent to 5 (five) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to satisfactory design of the driveway and removal of the existing 'up and over' gates.

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 - 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.

In terms of design and appearance the proposed porch extension is considered to be of a scale appropriate to, and generally in-keeping with the existing house. Situated at the rear, the outbuilding extension would not be visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Additionally both extensions would be sited approximately in the same places existing structures to be demolished. Materials would match existing. Both extensions would be single storey and materials would match existing. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the proposed extensions are both single storey and would be sited approximately within the footprint of existing structures. As such the separation distances are considered to be acceptable and complies with adopted guidance in SPD6. Similarly, the proposed porch and outbuilding extensions are considered to be acceptable in relation to the neighbours as it complies with the '45-degree rule' within SPD6.

In terms of the general prominence and impact on daylight the proposed extensions are both single storey and have approximately the same footprint and height as existing structures. Any overshadowing would not be seriously excessive above and beyond the existing situation. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would not affect the existing site access arrangements, although it would result in the loss of a garage space. The applicant has revised the plans to ensure the provision of one off-road parking space and the removal of the existing garage door (in poor condition) to meet highway safety standards.

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 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:

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 as submitted on 24/11/2021 and the development

DELEGATED REPORT

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.

- 4 The car parking alterations indicated on approved plan reference Sheet 4 of 5, incorporating the reduction in driveway length to a minimum of 5.0m in length and removal of the existing 'up and over garage door', shall be implemented to the written satisfaction of the Local Planning Authority development hereby approved being brought into use and driveway thereafter maintained available for use at all times.

Reason: To ensure there is no obstruction of the public highway, in the interests of highway safety, and to ensure a satisfactory development pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT6/2 - Pedestrian/Vehicular Conflict, HT2/4 - Car Parking and New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	25/03/2022		