

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/12/2023	Ref: 70223/FUL
Registration: 02/11/2023	LDFC: 29/11/2023	Expiry Date: 28/12/2023
Site Visit: 13/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side/front extension and Part single/part two storey rear extension

Location: 35 Downham Crescent, Prestwich, Manchester, M25 0EH

Description

The application relates to a red brick semi-detached house on a road of similar styled properties. There is a single storey outrigger at the rear. Parking on the road with a pedestrian footway down the side of the house. The attached neighbour with the shared side boundary is No.33 and has a lounge window adjacent to the boundary. On the other side, the unattached neighbour at No.37 has a single storey kitchen outrigger at the rear, adjacent to the side boundary.

The proposal involves:

- First floor extension at the front corner with the roof carried over onto the existing roof. It would house an en suite.
- At the rear the small outrigger would be demolished and a two storey extension would project out 2m and run across 3.3m. It would be set away from the shared boundary with the attached neighbour by 2m. At ground floor it would form part of a kitchen diner and above, it would form an extended bedroom. The roof would be hipped and carried over onto the existing roof.
- At the rear a single storey extension would project out 4m from the rear elevation and wrap around the new two storey extension. The roof over the single storey extension would be pitched to a ridge height of 3.5m.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter 07/11/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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 - The extension at the front is modest and infills the front corner of the house at first floor. In red brick with a roof carried over onto the main roof, it would not appear prominent or incongruous on the house or in the streetscape. An appropriate gap would be maintained from the side boundary to mitigate against terracing.

The extensions at the rear are in keeping with the existing house and would not be readily viewed from the public arena. The extensions, in terms of visual amenity, would be acceptable and comply with UDP Policies and guidance in SPD6.

Residential amenity - The extension at the front has no impact on neighbour amenity. The single storey extension projects along the boundary of the attached neighbour by 4m.

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Although in excess of three metres, there is no objection from the attached neighbour and the additional metre would not have such a serious impact on the amenity of the attached neighbour.

The two storey extension is set off the shared side boundary with No.33 Downham Crescent and complies with the '45 degree rule' and has no serious impact on neighbour amenity on this side. Given the gap to the boundary and the outrigger on the rear of No.37, there is no serious impact on the neighbour amenity on this side. There are no windows directly overlooking the neighbours on either side.

In terms of residential amenity, the extensions are acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

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 drawings sheets 1-6 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	19/12/23	DM	19/12/23