

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 06/07/2022

Ref:68344/FUL

Registration: 11/05/2022

LDfC: 16/06/2022

Expiry Date: 06/07/2022

Site Visit: 16/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension including link to garage

Location: 82 Meade Hill Road, Prestwich, Manchester, M8 4LP

Description

The application relates to a two-storey semi-detached house on a corner plot within a residential street of similar properties. There is an existing kitchen extension at the rear (part flat/ part monopitch roof). The attached neighbour at No.84 has an existing single storey conservatory extension at the rear and the neighbour to the rear at No.1 Northurst Drive, is as originally built.

Due to the orientation of the property on a corner plot the main garden is to the side of the house (including a summer house), with the rear section currently being used as a decking area. Both side boundaries have extensive shrubbery.

Planning permission is sought for a rear extension that would be entirely single-storey and comprise two parts including a kitchen extension that would project out 4.7m (matching the projection of the existing kitchen extension) occupying the full width of the existing dwelling and have a hipped roof (with skylights), plus a small 'corridor' with flat roof between the proposed kitchen extension and existing garage. Materials would match existing. There would be new side windows proposed including patio doors for the kitchen and a side window for the 'corridor'.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 25/05/2022 sent to 7 (seven) neighbours. No representations were received.

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

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 scale, siting, design, and appearance the proposed extension would be generally in-keeping with the existing house. Although situated at the rear the house is on a corner plot and the proposed extension would be readily visible from the public arena at Northurst Avenue although this is a cul-de-sac with relatively low footfall. Nevertheless, its siting, scale, and design is considered to be appropriate for this property and streetscene.

The kitchen extension would have a hipped roof with gable end to the rear, and eaves alongside the shared boundary, therefore reducing the impact on the neighbour at No.84. Although the proposed 'corridor' would have a flat roof this part of the building is considered to be subservient, not easily visible from the main highway, and purely for providing direct access to their own garage. Materials would match existing. The existing shrub planting along the rear and side boundaries would further reduce the impact on neighbouring residents.

In this respect the proposed 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, there are no new habitable windows proposed,
- The proposed extension would project out from the main building line by 4.7m in excess of 3m, beyond which the 45-degree rule would apply. As such the 45-degree rule has been considered with regard to the attached neighbour at No.84 which has an existing single storey conservatory extension.
- Given that the applicant's proposed extension is entirely single storey, with gable end at the rear, and eaves along the shared boundary, the impact on the neighbour at No.84 is considered to be acceptable.
- There are no new side windows proposed except for non-habitable windows facing their own side garden which would include a kitchen patio door.
- In terms of the general prominence and impact on daylight the proposed extension is set off the shared side boundary and is to the west of No.84. The proposed extension would have an impact on part of that neighbour's rear garden in the afternoons, but any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. The proposed development would also be an improvement on the existing rear extension. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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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 numbered PS222 RevA, PS522 RevB, and PS132 RevB 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	06/07/2022		