

DELEGATED REPORT

Report by Amanda

Date of report: 04/11/2022

Ref:68763/FUL

Uhunmwagho

Registration: 09/08/2022

LDfC: 28/09/2022

Expiry Date: 04/10/2022

Site Visit: 23/09/2022

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 rear extension

Location: 5 Jesmond Avenue, Prestwich, Manchester, M25 9NG

Description

The application property is a two storey end of terrace house, with basement, in a short row of three dwellings. There are small garden areas to the front. Jesmond Avenue is built on a hill which slopes up from south to north so the application property has a slightly higher ground level to number 7 to the south and lower compared to number 3 to the north. The property is raised to the rear yard area and there are steps leading down from the property to the rear yard. There is a short brick wall along the rear boundary with an open access to the rear of 6 Arlington Avenue at the rear.

The proposal is to build a rear extension projecting 4m from the original rear elevation and measuring a total of 6.33m wide. There would be three slim windows to the rear elevation and a kitchen window to the side. To the rear there would be a door to the rear with steps for access to the rear garden. The roof would be flat with a Succah roof lantern.

According to the plans the basement would also be extended out below the proposed extension but this is not part of the proposal.

Relevant Planning History

68214 - Prior approval for proposed single storey rear extension - Withdrawn by Applicant 05/05/2022

68412 - Prior approval for proposed single storey rear extension - Withdrawn by Applicant 09/08/2022

Publicity

Neighbours notified on 07/09/2022 - one objection and one letter of support received. A summary of the reasons are listed below.

Objection:

- Loss of light/shading due to the proposed extension as properties on Jesmond Avenue are materially higher than properties on Arlington Avenue to the rear.
- They would feel claustrophobic and over looked.
- The height difference will impact light to their rear garden.
- Increased noise and disturbance as there would only be a small area for the children to play in the rear garden which would be adjacent to their shared boundary.
- They are concerned about noise levels from inside the extension when windows would be open. This would make it impossible for them to enjoy rooms to the rear of their property and also their rear garden.
- The extension would consume the rear garden.
- They are concerned about the rear boundary wall which they share with the site, would

- be removed in order for the extension to be built.
- If other homeowners also go on to build large extensions it would change the character of the area.
- Concerned about flooding due to building over gardens that currently absorb rainwater.

Support letter;

- The applicants are their family and they feel the extra room will be very welcome for their large family.
- They have an opening in the shared boundary wall to the rear for access to their property.
- They do not feel the need for the rear windows to be obscurely glazed given they are family.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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 built on the rear of the dwelling and as such would not be visible in the public realm. It would only be visible from the rear of neighbouring properties/gardens. The extension would be built with a design and finished with materials that would be considered acceptable in this location.

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 extension would be around 7m from the rear elevation of no.6 Arlington Avenue directly to the rear of the site.
- The owners of no.6 Arlington Avenue have submitted a letter of support for the proposal based on the ground that they are family members and they have existing access to and from the site for family members to use.
- A small part of the rear boundary is also shared with no.8 Arlington Avenue. There is a tall fence/wall to the rear of that property covered in planting. The majority of views from the rear yard of site are screened by the existing boundary treatment. Given the height difference between the properties on Jesmond Avenue compared to Arlington Avenue part of the extension would be visible from the rear of no.8 Arlington Avenue. However, as there would be no windows directly facing this property there would be no significant detrimental effect on privacy levels at that particular property.
- At it's highest point the floor level of the proposed extension would be around 1m from the ground level of the rear yard with an overall height of 4.3m. Taking in to account that the site is positioned west of properties on Arlington Avenue, at its closest point the rear elevation would be around 10m from the rear of no.8 Arlington Avenue an the extension would not be built directly to the rear of that property there would be no significant detrimental effect on light availability and/or overshadowing to the rear of no.8 Arlington Avenue.
- The extension would project 4.6m along the shared boundary with no.3 Jesmond Avenue to the north. No.3 has a slightly higher ground level to that on site. With this in mind and taking in to account the larger homes scheme, and that the neighbour has not objected to the proposal the 4.6m projection would be acceptable in this instance.
- Due to the land on Jesmond Avenue sloping down to the south no.7 next door is slightly lower to the site. On the rear elevation of no.7 there is a door and kitchen window closest to the boundary at ground floor level and a bathroom above. The only window facing this property would be a kitchen window. As a kitchen is classed as non-habitable

- the side window to this room would be acceptable.
- The rear access door and steps down to the rear yard would also face the shared boundary with no.7. As this area is for access only to the new kitchen extension it is considered there would be no significant detrimental effect on residential amenity at no.7 Jesmond Avenue next door.
- The extension would be built over a large area of the existing rear yard but given that almost half of the existing rear yard area would remain it would not be considered significantly detrimental in terms of the impact on the available amenity space within the site.
- The plans also show that the existing basement would be extended below the proposed rear extension. This is not part of the current proposal and it would be assessed as part of the Building Control application.

Taking the above in to account 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front.

Response to neighbour objection-

Most of the objector's concerns have been addressed in the report above. Concerns about children playing close to the shared boundary would not be a Planning concern. As the site exists children would be able to play close to the shared boundary already and the introduction of the extension would not have any more of a significant impact on outside noise levels at the application site.

If there are concerns about noise levels this would be considered a civil matter and the neighbours concerned would need to discuss the issue with the applicant directly.

In terms of concerns about building over garden areas with extensions it is taken in to account that the existing rear area of the site is already completely paved and the introduction of the extension, including basement area, would not have any more of an impact on terms of possible flooding. Drainage is something that would be considered during the Building Control stage of the development. As for other properties in the immediate area being extended in a similar way in the future every site is assessed on its own merits at the time when a planning application would be submitted.

Response to letter of support-

A neighbour to the rear submitted a letter of support for the proposal on the grounds that they are family members and they have free access to one another's properties via a gap in the rear boundary wall between the two gardens. They advised that they have no concerns regards clear glazed windows on the rear elevation. With this in mind it was deemed that despite the close proximity to the rear boundary on this occasion clear glazed windows would be acceptable.

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 numbered 001, 002, 003 Rev1 and 004 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 04/11/2022			