

**DELEGATED REPORT**

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| <b>Report by</b> Amanda Uhunmwagho | <b>Date of report:</b> 23/11/2022 | <b>Ref:</b> 68877/FUL          |
| <b>Registration:</b> 12/09/2022    | <b>LDfC:</b> 24/10/2022           | <b>Expiry Date:</b> 07/11/2022 |
| <b>Site Visit:</b> 03/11/2022      | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0               | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A    |                                   | <b>EIA:</b> NA                 |
|                                    |                                   | <b>Dec Level:</b> DEL          |
|                                    |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension; First floor rear extension

**Location:** 9 Carver Avenue, Prestwich, Manchester, M25 1GA

**Description**

Planning permission was previously approved at this property for a slightly larger development in 2018, (different applicant). The current proposal seeks to add a single storey rear extension and a first floor rear extension. At the rear the single storey extension would project 5.5m from the original rear elevation and would measure a total of 13.6m wide. The east side of the extension would be built at an angle close to the angled east side boundary, which borders Heaton Park. The roof would be flat with two raised roof lanterns.

The first floor rear extension would create a hall way for access to bedroom one. It would measure 819mm x 3.66m. The roof would be mono-pitched. The walls would be finished in brick to match the existing property as would the slates to the roof. The new windows would be a dark grey UPVC.

**Relevant Planning History**

02108/E - Rear and side extension to existing dwelling with alterations to existing garage extension - Enquiry completed 29/03/2018

62275 - Single storey rear extension and remodelling of existing side extension. - Refused 13/02/2018

62978 - Single storey rear extension and remodelling of existing side extension - Approve with Conditions 15/08/2018

**Publicity**

Neighbours notified on 03/10/2022 - No comments or objections received

**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.

As the extensions would be to the rear of the property they would not be visible in the public realm to the front at all. The extensions would be finished with materials and a style that would be considered to be in keeping with the existing building.

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 -**

- There are no residential properties directly to the rear of the site.
- To the east is Heaton Park and there are many mature trees, on the park land directly along the site boundary. These and the existing brick boundary wall would screen most views to and from the proposed extensions.
- The single storey rear extension would only project a further 448mm than the existing utility room on the rear of the property and the south west side elevation would be around 1m away from the shared boundary with no.8 next door. As such there would be no significant detrimental effect on residential amenity at that property and its garden.
- The would of the development would be to the rear of the existing dwelling so there would be no impact on amenity space to the front of the site.

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 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 front of the site.

**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 903-22-01 Revision A, 903-22-02 Revision A and 903-22-03 Revision A 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.

**DELEGATED REPORT**

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| AU - 23/11/2022     |             |                         |             |