

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 13/12/2021

Ref:67585/FUL

Registration: 11/10/2021

LDfC: 01/11/2021

Expiry Date: 06/12/2021

Site Visit: 14/10/2021

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: Two storey side extension; Demolition of existing sun room; Side and rear single storey extension and sun room; Extended raised patio

Location: 45 Circular Road, Prestwich, Manchester, M25 9NR

Description

The application relates to a two-storey semi-detached house on a residential cul-de-sac of similar sized properties. There is an existing single storey extension (dinning area) and detached sunroom separated from the main property by a gap of 62cm alongside a raised decking area that extends at an angle between 8.6m and 7.9m out from the original building line. The rear of the existing house is part rendered white, part red brick.

The attached neighbour has a single storey extension at the rear and the neighbour on the other side has a rear kitchen extension.

Planning permission is sought for extensions along the north-east boundary including a two-storey side extension (utility room and first floor bathroom) within the rear existing building line, and a single storey rear extension (lobby and sunroom). The existing sunroom would be demolished and the new extension would project out from the existing rear extension of the main house by 5.9m, (or 8.2m from the original rear), and the side section would extend to the shared boundary. There would be a raised ratio area that extends 7.0m out from the existing building line (or 9.3m from the original rear).

The two-storey section would have a hipped roof carried over from the existing roof, while the lobby would have a monopitch roof carried over from the existing rear extension, and the proposed attached sunroom would have a flat roof.

It would be finished in a rendered masonry to the main house and new sunroom/ lobby side wall with timber cladding to the sunroom apart from the rear boundary wall. The roof would have slates to the two-storey section, tiles to the single storey pitched roof, and the sunroom to have a flat roof with lantern light. The applicant has stated their intention to agree with the LPA details of the timber cladding colour and style, as such a condition will be included for this.

The curtilage has previously been expanded to include land from the rear garden of 30 Bland Road, and the applicant has recently purchased additional land off neighbours at 43 Circular Road. As such there would be a substantial separation of approximately 48m to the rear boundary although existing screening is minimal.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 11/10/2021 sent to 5 (five) 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 design and appearance the extension is generally in-keeping with the existing house. Situated at the rear, the extension would not be readily visible from the public arena. It is considered the scale of the proposed development is appropriate for the existing property and the proposed materials are acceptable.

The existing sunroom would be demolished and the new extension would project out from the existing rear extension of the main house by 5.9m, (or 8.2m from the original rear), and the side section would extend to the shared boundary. The applicant has stated their intention to agree with the LPA details of the timber cladding colour and style for the sunroom.

It is proposed that the existing raised decking area would be replaced with a new raised patio area that would be constructed within approximately the same footprint. It is therefore considered that its appearance would not be substantially different over and above the existing situation.

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 substantial 48m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6 and there are no proposed extensions along this boundary. In terms of the unattached neighbour, the impact of the proposed extension has been considered along the shared boundary immediately alongside the extension which has an existing single storey detached sunroom and wooden fence. Between the first site visit and the second site visit it was evident that the original fence (approximately 1.7m high) was replaced with a taller fence (appears to be over 2m high). Although the purpose of this new taller fence is uncertain given that this is also part of the boundary subject to the two-storey section of the extension proposal. On the neighbours side there is an existing garden storage unit alongside the boundary.

Overlooking to this neighbour is minimized by the fact the proposed new bathroom window is within the original building line, and the proposed sunroom windows would only overlook their own garden. There are no side windows proposed. The sunroom window on the south-west elevation would be 5m from the shared boundary with Nr.43, which is considered to be a sufficient distance, and in a similar position to the existing sunroom windows.

In terms of the general prominence and impact on daylight the two-storey section is set within the existing building line and to the immediate south of the neighbours existing

kitchen extension and the single storey section is within the approximate position of the existing sunroom. The extension would have some impact on part of the neighbours rear garden at midday, however any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact on the outlook from Nr.47 to warrant refusal. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways – There are no proposed changes to existing site access or parking arrangements with the exception that the existing side front storeroom (originally a garage) is to be converted back into a garage therefore increasing capacity for off-road parking provision, which is considered acceptable in this location.

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 which would provide current residents with additional internal space and open up views of the garden to the west. 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 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 job 21-3249/D drawings numbered L1A, L2D, PL/L4 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 Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building, except for the proposed sunroom.
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 Details/Samples of the timber cladding colour and style to be used in the external elevations for the proposed sunroom, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	13/12/2021	DM	15/12/2021