

DELEGATED REPORT

Report by Jane Langan	Date of report: 09/08/2022	Ref: 68463/FUL
Registration: 13/05/2022	LDfC: 02/07/2022	Expiry Date: 08/07/2022
Site Visit: 29/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at side; Creation of on-site parking to front of the property with dropped kerb and New fencing at side and rear

Location: 48 Peveril Close, Whitefield, Manchester, M45 6NR

Description

The property is a semi-detached house located on a corner plot. It has garden to the front, side and rear and a parking space to the rear accessed off Neath Close.

The application includes a two storey extension at the side coming out 2.48m running from the existing front to rear elevations. The parking space to the rear would become garden with the 1.8m high concrete post and timber panel fencing extended to the side/rear of the space. The existing 1.8m high fencing along the side would be extended up to the side of the front elevation. Parking would be relocated to the front garden with the addition of a new drop kerb. The application is a resubmission following refused application 67477. The revised scheme is submitted to address the reasons for refusal with regard to the extension proximity to the boundary and the relocation of the drive.

Relevant Planning History

67477 - Two storey side extension and creation of on-site parking to front of the property with dropped kerb - Refused 18/11/2021.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Pre-start Conditions - Not relevant.

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. 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.

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.

SPD 6 advises that on corner plots, two storey and single storey extensions will normally be required to leave a minimum of 2 metres from the boundary with the highway to the side, but that a lesser set back may be acceptable where the prevailing pattern of development in the locality is typified by relatively shallow frontages.

Visual amenity and design - The property is located on a corner plot and there would be a distance of 2 - 2.1m from the side of the proposed extension to the boundary with the footpath. This would comply with the criteria as set out in SPD6 in order that the proposed extension would not appear intrusive or out of character in the street scene.

The proposed extension would have a pitched roof running from the existing ridge and forming a side gable wall. Materials would be roof tiles and brickwork to match the existing. The central section to the front elevation would be rendered.

The new fencing would be to match the existing which already extends along the side and

rear garden boundary.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms there would be 3 remaining with the smallest enlarged and an ensuite added. As such SPD 11 Parking Standards need not be considered. The existing parking space to the rear would be fenced to become part of the rear garden. Parking would be relocated to the front garden where a new drive would be created surfaced in permeable materials. The new drop kerb would require the removal of a street tree. The council's tree officer has confirmed that the tree is in decline and can be removed and the council will themselves look to remove it within the next 12 months. Should the applicant wish to have it removed earlier then they would have to pay the costs. As such a condition is added for the removal of the tree prior to the new access and fencing works.

The conditions as recommended by the Highways Section are included in a modified form in order that the extension can be commenced. The works to relocate the drive and the additional fencing can be started at a later date should the applicant want to wait for the council to remove the tree or the parking could remain as existing.

Residential Amenity - The proposed extension would be blank wall to the first floor rear elevation and there would be approximately 9m to the boundary with the front garden to 1 Neath Close. Along this boundary would be the additional 1.8m high fencing to the site. Whilst it would run along the full length, at less than 2m in height the majority could be constructed under permitted development. It would also be located to the north west side and as such would not cause significant over shadowing.

The proposed extension would have the bedroom window located to the first floor side elevation. Whilst generally habitable room windows should be located on main aspects as the site is on a corner plot it would not overlook any neighbouring properties. There would be a distance of 13.5m from the proposed extension to the side elevation of the property across the street.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 01,02,03,04,05,06,07A 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 Prior to the commencement of the works to relocate the drive and the erection of the additional approved fencing, as shown on plan 07A, the street tree requiring removal shall be removed to the written satisfaction of the Local Planning Authority.

Reason. To allow adequate space to maintain a vehicle clear of the highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Prior to the commencement of works for the additional fencing, as shown on approved plan 07 Revision A, the revised car parking arrangements indicated on approved plan reference 07 Revision A, incorporating the provision of a new footway crossing onto Peveril Close to limits to be agreed on site with the Highway Authority, flush edgings at the back of the footway and/or other measures to demarcate the limits of the adopted highway, new hardstanding a minimum of 5.0m in length measured from the back of the footway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, reinstatement of the redundant footway crossing onto Neath Close and all associated footway remedial works that may be required to reinstate the footway to its former condition shall be implemented in full to an agreed specification and to the satisfaction of the Local Planning Authority.

Reason. To ensure good highway design, allow adequate space to maintain a vehicle clear of the highway and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties

- 5 The visibility splay indicated on approved plan 07 Revision A shall be implemented before the replacement driveway is brought into use to the satisfaction of the Local Planning Authority and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the driveway at 1 Neath Close and the adjacent highways in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 6 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	09/08/2022		