

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/07/2022	Ref: 68216/FUL
Registration: 01/04/2022	LDfC: 03/05/2022	Expiry Date: 27/05/2022
Site Visit: 15/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Raised steel decking area at rear with steps to garden

Location: 530 Bury New Road, Prestwich, Manchester, M25 3BD

Description

The application relates to a two storey semi-detached house on Bury New Road, opposite the Tesco superstore.

The steel structured decked area with screening along the shared boundary with the attached neighbour has effectively been completed and sits well above the existing garden level, allowing an access to the basement area below. The decking, comprised of composite panels, projects out 4m and measures 5.6m wide. It would run out along the shared boundary with the attached neighbour at No.532 and would be 5m off the boundary with No.528, on the other side. A 1.7m high privacy screen is proposed along the shared boundary with No.528 although a higher screen has been erected on site.

Relevant Planning History

56949 - Single storey extension at rear with access to lower ground floor storage area; steps at rear to garden - Approve with Conditions 20/01/2014

Publicity

Immediate neighbours notified by letter dated 11/04/2022 and 26/05/2022. Comments and objections received from neighbours relate to overlooking and impact of screening.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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.

Visual Amenity - Given that the decking structure is situated at the rear of the house and is not readily viewed from the public arena. In terms of visual amenity the proposal is considered to be acceptable and complies with UDP Policy H2/3 Extensions and Alterations and associated guidance in SPD6.

Residential amenity - Initial plans indicated that without appropriate screening, there would be serious overlooking of the neighbours on both sides (Nos.528 and 532 Bury New Road). Revised plans indicated a privacy screen but given the relative ground levels on the neighbour's side, the screens at a height of about 4m, would be extremely oppressive and dominant when viewed from the adjacent lounge window and immediate garden area of No.532. In terms of privacy, whilst the screens would reduce immediate overlooking, there would still be significant overlooking of the adjacent garden area of No.532 from the balcony given its height and position. In terms of residential amenity the proposal would be contrary to UDP Policy H2/3 and guidance in SPD6.

Objections - The issues raised by neighbours are relevant and are reflected in the reasons for refusal.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed raised decking would, without an appropriate privacy screen, result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of Nos.528 and No.532 Bury New Road. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed decking and privacy screen would be seriously detrimental to the amenities of the attached property at No.532 by reason of its relative height along the shared boundary. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated 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>
Tom Beirne	28/07/2022		