

DELEGATED REPORT

Report by Amanda

Date of report: 23/04/2024

Ref:70605/FUL

Uhunmwagho

Registration: 18/03/2024

LDfC: 17/04/2024

Expiry Date: 13/05/2024

Site Visit: 16/04/2024

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: Single storey side/rear extension

Location: 33 Charlbury Avenue, Prestwich, Manchester, M25 0FJ

Description

The application relates to a two storey semi-detached house with gardens to the front and rear of the dwelling. There is a brick wall along the front boundary with pillars to the entrance of the drive which provides on site parking for one vehicle. At the rear there is a conservatory and a detached out building in the garden. No.35 Charlbury Avenue to the east side is built at an angle to the property on site and is slightly lower in level due to the gradient on Charlbury Avenue.

Planning permission was previously granted at this property for a two storey side/rear extension but the applicant now proposes to build a single storey extension instead. The extension would be built flush to the front elevation and it would measure 2.71m wide. It would have an overall length of 10m and the side elevation would be built at the same angle as the east side boundary. It would project 3.98m from the rear elevation and would measure 6.16m wide at the rear. The roof would be flat with two roof lanterns.

The walls would be finished with brick to match the existing dwelling and there would be a 'stepped in' brick design as a feature to the front elevation.

Relevant Planning History

55037 - Conservatory at rear - Approve with Conditions 08/05/2012

67076 - Two storey side and rear extension; Replacement of conservatory with new single storey rear extension - Approve with Conditions 22/09/2021

Publicity

6 neighbours notified on 27/03/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 external ground level is a lot lower compared to the internal floor level of the dwelling.

As such the single storey side extension would appear quite tall on the side of the existing dwelling. The proposed elevation drawing shows that the front elevation would be finished with a panel of bricks stepped in from the rest of the wall. This would help to break up the massing of plain brick wall to the front. Overall the extension would be built with materials and a design that would be considered to be acceptable in this location and would not have any significant detrimental effect on the character of the existing streetscene.

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 -

- As the extension would be single storey only the separation distances to properties to the front and rear of the site would be considered acceptable in terms of SPD 6.
- There would be no habitable room windows to the east side elevation and the drawings show that these windows would be partially obscurely glazed in order to retain privacy levels between the application property and no.35 next door.
- There are no habitable room windows to the side elevation of no.35 Charlbury Avenue.
- There would be no windows along the west side elevation of the rear extension.
- At the rear the extension would project 3.98m along the shared boundary with no.31, attached. As the neighbour has not objected to the proposal this projection would be acceptable under the Larger Homes scheme.
- The proposed extension would not have any detrimental impact on existing parking arrangements within 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 garden.

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 21.070.201 Rev P1, 21.070.202 Rev P1, 21.070.203 Rev P1, 21.070.301 Rev P1, 21.070.302 Rev P1, 21.070.401 Rev P1 and 21.070.402 Rev P1 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 - 23/04/2024		DM	24/04/2024