

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/07/2023	Ref: 69640/FUL
Registration: 25/05/2023	LDFC: 20/06/2023	Expiry Date: 20/07/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension and first floor balcony with glass balustrade; Extension of existing loft conversion with dormers at front and rear; Front porch

Location: 2 Mount Pleasant, Prestwich, Manchester, M25 2SD

Description

The property is a detached house situated on a corner plot on Mount Pleasant. There are gardens to three sides and at the side of the property there is a attached garage and drive in front. No. 92 Simister Lane is to the rear of the site and No. 4 Mount Pleasant is to the side. Houses to the south and east are over 20m away.

Planning permission is sought for a single storey side extension and first floor balcony with glass balustrade above and the extension of existing loft conversion with dormers at front and rear along with a front porch. The development would accommodate an additional bedroom and utility on the ground floor along with the enlargement of the loft space via the erection of dormers. The single storey side element would project 5.15 metres to the side and 8.15 metres to rear. The extension would also project 0.5 metres beyond the front and rear elevations. There would be a balcony with glass balustrade above and this extension. The proposal would also include the construction of a new front porch which would extend 1.8 metres to the front.

The single storey side extension would have a flat roof which would facilitate the platform for the proposed balcony. The front porch and the proposed dormers to the rear would also have flat roofs but the dormer to the front would have pitched roofs. The development would be constructed with matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections/comments received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

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.

Situated at the side, the proposed single storey side extension would be readily visible from the public arena. The side extension would project 5.15 metres to the side and 8.15 metres to rear. The extension would also project 0.5 metres beyond the front and rear elevations. SPD6 states that single-storey side extensions on corner plots should not normally occupy

more than half of the available width of the side area. Therefore, this extension would not be acceptable due its size.

The proposed balcony and the dormers to the rear would be less than 2 metres from the shared rear boundary with No.92 Simister Lane. SPD6 states there should be at least 7m from rear habitable room windows to the rear boundary. Therefore, this would not be acceptable. The proposed front porch and the dormers to the front would be acceptable as there would be sufficient distance to the properties to the front.

It is considered that the proposal would have a detrimental impact on the character of the dwelling, street scene and neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be one window proposed facing towards the adjacent property to the side. However, a sufficient distance exists between the proposed extension this property (No. 4 Mount Pleasant).
- The proposed development would be 1.8 metres to the shared rear boundary. This would be below the recommended 7 metres guideline on SPD6. This would trigger privacy implications on both the properties directly to the rear (No. 92 Simister Lane).
- In terms of the general prominence and impact on daylight the proposed development would be close proximity to and directly facing the shared rear boundary. Additionally, the proposed side extension with balcony and the proposed dormer to the rear would be to the west of (No. 92 Simister Lane) and therefore overshadowing would be seriously excessive above and beyond the existing situation.
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Overall, there would be a serious impact on privacy, the general prominence and impact on daylight of the adjacent neighbouring property. The proposal therefore not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in one additional bedroom, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements. Furthermore, there are off-street parking space(s) available if required.

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

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 development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjoining dwelling house, by reason of its size and position. The proposed development therefore conflicts with the following policy(ies) UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/07/2023	DM	19/07/23