

DELEGATED REPORT

Report by Tom Beirne	Date of report: 07/04/2022	Ref: 68063/FUL
Registration: 18/02/2022	LDFC: 11/03/2022	Expiry Date: 15/04/2022
Site Visit: 23/03/2022	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: Front dormer; rear dormer, raised decking to the rear, additional windows to the gable

Location: 126 Albert Avenue, Prestwich, Manchester, M25 0HE

Description

The application relates to a two storey semi-detached house on a residential road of similar styled properties. No parking on site but there is on street parking. Large overgrown garden at the rear. Allotments at the rear with trees shrubs on boundary.

The application proposes to demolish the existing succah at the rear and add a raised decked balcony area between the existing two storey outrigger and the shared side boundary with the neighbour at No.128. The decked area would project out 3.58m to the end of the two storey outrigger. The proposal also includes a flat roof box dormer on the rear roof plane and extending out over the two storey outrigger, forming an L shape. There is also a smaller hipped roof dormer on the front roof plane. The scheme would add three bedrooms in the roofspace.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 18/02/2022. No objections received.

Statutory/Non-Statutory Consultations

None.

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 - The only change from the streetview is the additional pitched roof dormer on the front which is modest and acceptable in terms of Policy H2/3 Extensions and Alterations.

At the rear the box dormer, although large and effectively forming a three storey flat roof element, would not be readily visible from the public realm and finished in tiles to match the roof, would therefore be generally acceptable in terms of Policy H2/3 Extensions and Alterations.

The raised decking at the rear does not have any visual amenity implications and complies with UDP Policy H2/3 Extensions and Alterations.

Residential Amenity - The raised decking area has the potential to increase overlooking of the neighbour at No.128. However it is proposed to have a timber screen 1.7m high along the boundary to safeguard privacy and this is considered to be acceptable and complies with Policy H2/3 Extensions and Alterations.

Given the neighbour at No.124 has a two storey outrigger at the rear, extending out the same distance as the outrigger at No.126, there are no residential amenity implications with regard to the rear dormer. It is noted that there are no objections received from neighbours.

This is considered to be acceptable and complies with Policy H2/3 Extensions and Alterations.

Parking - There is no on site parking and none can be created. The additional three bedrooms within the roofspace could have the potential to create additional parking pressures but this type of development is common in this area in providing additional accommodation for traditionally larger family households. It is noted that two bedrooms could be created via a 'Permitted Development' dormer on the rear roof plane therefore the issue is, would the additional bedroom be likely to cause significant problems in terms of parking over and above that which already exists? On balance, given that many households in the immediate area are large families with no more than two cars, this is unlikely to be the case. In terms of parking, the proposal is considered to be acceptable and complies with UDP Policy H2/3 Extensions and Alterations.

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 001, 002, 003 and 004 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.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Prior to the use of the proposed raised decked area at the rear, the 1.7m timber screen fence, indicated on the approved plans, shall be erected and maintained in situ thereafter to the satisfaction of the Local Planning Authority.
Reason. In the interests of residential amenity pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	07/04/2022		