

DELEGATED REPORT

Report by Mo Warsame	Date of report: 20/09/2024	Ref: 70897/FUL
Registration: 22/07/2024	LDFC: 23/08/2024	Expiry Date: 16/09/2024
Site Visit: 16/08/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor/single storey extension at side; Hip to gable roof extension at side with loft conversion and rear dormer

Location: 99 Rectory Lane, Prestwich, Manchester, M25 1EN

Description

A semi-detached property within a residential area of similar properties. There are gardens to the front and rear and the adjacent neighbouring properties are No.97 and No.101 Rectory Lane (attached) to the side.

Planning permission is sought for the erection of a single storey side extension, hip to gable roof extension at the side with loft conversion and rear dormer. The proposal would accommodate a reception room on the ground floor and a master-bedroom with ensuite on the loft. The rear dormer would have a flat roof while the side extension would have a pitched roof with rooflight. The proposed hip to gable roof extension would entail an increase to the side of the existing roof with the ridge height remaining as existing. The single storey side extension would infill the exiting enclave, projecting 2.29m to the front and approximately 1m to the side to align with the principal front elevation. The proposed dormer would be constructed on the rear and would not extend beyond the ridge height. The development would utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent. One objection received.

The objection relates to the following comments:

- 1. Adverse Impact on Quality of Life:** There is a concern of shadowing effect from the proposed structure. They believe that this will diminish sunlight, particularly during the morning and evening hours, leaving affected areas in near-permanent shadow.
- 2. Loss of Residential Amenity:** The objecting party states that overshadowing created by the development will significantly reduce the amount of light entering key living areas - kitchen, dining room and garden.
- 3. Impact on Health and Well-being:** Concerns relating to the reduction in sunlight exposure.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

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 to the side, the single storey side extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. This element would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene.

The proposal would also increase the roof area to the side with the ridge height remaining as existing. This extension would facilitate a rear dormer with a flat roof. The proposed dormer would be a modest that would accommodate a bedroom with ensuite bathroom. The development would be constructed using matching materials and the overall design would be in keeping with the character of the host dwelling. The roof extension would be visible from the street scene at the front. However, it would not be out of character or intrusive. The dormer would be located to the rear and would not be visible from the main street view. It would be set below the existing ridge.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Residential Amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear; there are sufficient separation distance to the property at the rear.
- The proposed dormer extension would not extend beyond the ridge height and therefore not visible from the street scene at the front.
- The proposed dormer would not have windows to the sides. Furthermore, the adjacent neighbours have not objected. Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.
- The single storey side extension would be a modest infill structure that would not project beyond the principal front elevation. It would not interfere with the existing driveway and as such would have no detrimental impact on the

Highways

The proposal will result in one additional bedroom and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

Response to Objection

The report have addressed the main concerns of this neighbour. There would not be any significant detrimental impact on any of the neighbouring properties. The development would cause no adverse shadowing effect or reduce the sunlight currently enjoyed by the neighbouring properties. Overall, the above assessment has highlighted that there would not be serious adverse impacts and the concerns from the objecting party would not warrant a refusal.

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 Dwg. no. PL01, Dwg. no. PL02, Dwg. no. PL03, Dwg. no. PL04, Dwg. no. PL05 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 and Places for Everyone Joint 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 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>
MW	20/09/2024	DM	20/09/24