

## **DELEGATED REPORT**

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| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 21/02/2024 | <b>Ref:</b> 70347/FUL          |
| <b>Registration:</b> 27/12/2023 | <b>LDFC:</b> 30/01/2024           | <b>Expiry Date:</b> 21/02/2024 |
| <b>Site Visit:</b> 01/02/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey side/rear extension; Two storey rear extension; Hip to gable loft conversion with rear dormer

**Location:** 2 Mosslee Avenue, Prestwich, Manchester, M8 4LY

### **Description**

The application relates to a two-storey semi-detached house on a residential road. The property has a drive to the side and gardens to the front and rear. The adjacent properties are No. 4 Mosslee Avenue (attached) to the north and No. 57 Meade Hill Road and No. 59 Meade Hill Road to the south. Properties to the front and rear the site are over 20 metres away.

Planning permission is sought for single side/rear extension and a two-storey rear extension alongside a hip to gable loft conversion with rear dormer.

The single storey element would project 4.53 metres to the rear and 2 metres to the side while the two-storey element would also extend 4.53 metres to the rear and measure 3.6 metres in width. The proposal would facilitate separate kitchen and dining area on the ground floor level. On the first floor, the proposal would accommodate a bedroom extension with ensuite bathroom. There would also be an additional large bedroom on the 2<sup>nd</sup> floor via the proposed loft conversion with rear dormer. The development would utilise the use of matching materials and would have pitched roofs over the single storey and two storey extensions and flat roof above the proposed rear dormer.

### **Relevant Planning History**

None.

### **Publicity**

Neighbour letters sent. One objection received.

### **Comments**

The concerns relate to the proposed two-storey rear extension, the scale of the proposed pitched roof, and its proximity to the shared side boundary. There is also a concern of whether the development would lead to loss of daylight/sunlight and cause other implications such as over shadowing due its position.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions**

N/A

### **Unitary Development Plan and Policies**

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed single storey development would have a simple and unobtrusive design that would not detract from the character of the dwelling. The two-storey extension to the rear would also be considered suitably in design and modest in scale. The two-storey rear extension would not project beyond the proposed single storey side/rear extension and would be sufficiently setback from the side boundaries. Furthermore, the development would appear subservient to the main house.

The proposed rear dormer would be modest structure that would be constructed entirely on the footprint of the existing roof. Overall, in terms of scale, design and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the associated amenity space. Therefore, the proposed development would therefore comply with SPD 6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3

### **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 would be there would over 12 metres from the proposed rear windows to the shared rear boundary. Moreover, the development would be further shaded by the existing high shrubs/ plants at the rear of the site. There would also be no proposed side windows on either of the first floor and ground floor. Nevertheless, there would be one proposed side window on the second floor via the hip to gable loft conversion with the rear dormer. However, this would not be a primary window and would be conditioned to be obscure glazed.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The part single element would project 4.53 metres. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4.53 metres along the shared boundary would be acceptable. Furthermore, the single storey side element would be a modest with not detrimental impact on the residential amenities.
- The proposed two storey rear extension would have no impact in terms of overlooking and privacy, as there are no proposed side windows facing the adjacent properties on either side. In terms of the general prominence and impact on daylight the proposed two storey element would have sufficient setbacks on either side of the shared side boundaries. Moreover, the development would not encroach the 45° rule when taken from the attached property No.4 Mosslee Avenue and there would be 14 metres from the principal rear elevations of No.57 and No.59 Meade Hill Road to the proposed development, exceeding the 13 metres required by SPD 6. Therefore, any overshadowing would not be excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

### **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.

## Response to Objections

The report have addressed the concerns of the objecting party. The concerning comments have been addressed and it would not warrant a refusal as the proposal would no detrimental impact on the neighbouring properties.

## 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. A100, dwg no. A101, dwg no. A104, dwg no. A105 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      Before the first occupation of the extension hereby permitted the proposed side window on the 2nd floor shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|                     |             |                         |             |