

DELEGATED REPORT

Report by Jane Langan	Date of report: 12/05/2023	Ref: 69488/FUL
Registration: 03/04/2023	LDfC: 04/05/2023	Expiry Date: 29/05/2023
Site Visit: 19/04/2023	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: Hip to gable roof conversion with rear dormer.

Location: 2 Kershaw Avenue, Prestwich, Manchester, M25 9YT

Description

The property is the end one in a row of 4 and on a corner plot at the junction with Carr Ave. It has garden to the front, side and rear and there is a drive to the Kershaw Avenue side. To the rear the property has a single storey flat roofed store. Beyond the rear boundary of the site is open space and access to a play area.

The application proposes a hip to gable roof extension and flat roofed dormer. It would form an additional bedroom with ensuite.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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 and design - The proposal would see the hipped roof extended out to a gable built up in brick to match the existing. A window to the ensuite would be included in the new gable. The dormer would be set approximately 0.45m below the existing ridge. There would be no set back at the side or rear the plans show it to be built off the existing walls and the dormer walls would be tile hung to match the main roof. The property is on a corner plot and the proposed dormer would be highly visible. Hip to gable roof extensions and rear/side dormers can be constructed under permitted development if within the allowed limitations. The plans note that the volume would be approximately 40m³. The proposed dormer could be considered to be a side dormer with the entrance facing on to Kershaw Ave and this street being the site address. In this case then the hip to gable would be extending the principle elevation and as such not permitted development. Assessing the site in terms of the street scene it being the end property in the row would see the dormer have the appearance of being a dormer at the rear. If the adjoining 85 Carr Avenue were to look to construct a similar dormer then it would be to the rear roof slope. In conclusion, and given the above, there are not considered to be grounds for refusal.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 3 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. The site as existing has a drive off Kershaw Avenue and which would not be affected by the proposal. There is also garden to the side and there may be potential for a further space if the applicant should require it. The area has on street parking and there is public transport in the immediate vicinity. In this instance then the parking arrangements are considered

sufficient

Residential amenity - The site is located on a corner plot and there would be a distance of 9.5m to the rear boundary. There is no property directly to the rear the closest facing property across the open space would be 76 Woodward Road over 40m away. As such the proposal would comply with SPD6 Aspect Standards and there would be no serious impact on the amenity of this neighbouring property.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential 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 23-02.01 01 Rev A, 23-02.01 02 Rev A, 23-02.01 03 Rev B 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	12/05/23	DM	15/05/2023