

DELEGATED REPORT

Report by Tom Beirne	Date of report: 29/02/2024	Ref: 70398/FUL
Registration: 08/01/2024	LDFC: 03/02/2024	Expiry Date: 04/03/2024
Site Visit: 28/02/2024	Site Notice: N/A	Press Date: N/A
Objections: 8	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension, first floor rear extension with juliet balcony and raised decking at rear

Location: 25 Ravensway, Prestwich, Manchester, M25 0EU

Description

The application relates to a two storey detached house on a large plot at the head of a residential cul-de-sac of similar style houses. Driveway to the front.

The proposal involves the construction of a two storey side extension on the south side of the house. It would project out 7.7m with a section stepped back for the final 2m. The roof would be hipped and carried over onto the existing roof. The extension would be finished in red brick and tile to match the existing house. The ground floor of the extension would allow the formation of a spa, small private mikvah and WC on the ground floor with a large bedroom and en suite above.

The first floor rear extension would project out almost 4m to the rear elevation and run the width of the house. Finished in red brick to match the house and would allow the first floor to accommodate 6 bedrooms as opposed to the current five.

At the rear a decking projecting out 3.2m from the rear elevation would be formed and run across the width of the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 12/01/2024. Eight objections received from local residents are summarised below.

- Separate entrance for Ritual Bath may suggest public use is intended, which is not as stated in application.
- Traffic and parking amenity would be adversely affected by such a development since no additional parking spaces are proposed in the plans, which would further increase traffic and parking on an already busy road.
- Limited details on materials and finish do not give sufficient information on how the completed work would be sympathetic to the existing property and the neighbouring buildings.
- The extension looks unbalanced on the right-hand side and out of keeping with the current look and feel of the Street.
- Lack of windows in parts of elevations would be out of keeping and detract from the area, and may support intended public use access fears.
- Raised deck to side and rear will be detrimental to the adjacent property site lines and privacy. Noise may well be an issue when decking used.
- Spa extension with ritual bath is unnecessary due proximity of a communal one on

Albert Ave and several others relatively nearby. Virtually all ritual baths are never private.

- Bathroom window (1P6) needs obscured glass. (Also to point out that the 2nd story extension will cast shade on the livingroom at No 23.)
- Detrimental impact on the residential amenities of No. 20 especially privacy & light as well as concerns about stability of their foundations of their property, which is build on suspended flooring.
- Out of line with the size of the plot of land as the garden area is large and extensions to the property should go at the rear of the property rather than need to be at the side of the property right up to the boundary with neighbouring No 20. The size, shape, design and external appearance of the extended dwelling bears no resemblance to the existing dwelling or those nearby. The extended dwelling would be completely overbearing to neighbouring properties. There would be adverse impacts to neighbouring properties in terms of overlooking, noise nuisance & and overshadowing. Supplementary Planning Document 6 Alterations and Extensions to Residential Properties (2020).

In response to the objections, the applicant's has commented as following:

This is a large private residential 6-bedroom home, the scale of the facilities is in keeping with the number of people living at the dwelling and there is no intention for the public to be using the spa.

Although people often use public mikvahs it is not uncommon for people to use private mikvahs. There is no religious reason for the mikvah to be public and the proposed mikvah at 25 Ravensway will only be of use to the residents.

The updated site plan attached indicates that there is room for 3 parking spaces as per the minimum stated in the council's policies.

We do not believe the objections to be relevant as they are based purely on assumptions and not facts.

We can also confirm that all bathroom windows will be obscured as per the councils guidelines

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, 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.

Use - The applicant has confirmed that the spa/mikvah would be used only by the residents of the dwelling and would not be available to the public. The second door on the front elevation would give direct access to the WC and cloakroom area but this does not imply any public access. Given this and the fact that the spa could not be used as a public facility without explicit planning permission for a change of use, the domestic use of the extension is deemed acceptable. A condition that could be attached to any approval to specifically prevent wider public use.

Visual amenity and streetscape - The proposed side extension is not particularly large and set back to the side of the house, would not be out of keeping with the house and does not appear incongruous within the wider streetscape. Whilst the side extension would disrupt the general symmetry of the house, the impact of this is not significant. Views of the extension from along Ravensway would be limited by its location to the side of the house and existing conifer trees along the shared side boundary with No.20 Ravensway. It is also noted that the neighbouring houses have been extended and are not symmetrical either. In terms of appearance, the red brick finish would be acceptable.

The first floor extension across the back of the house would not be prominent and would be in keeping with the design and scale of the existing house. It would be set well away from the immediate neighbours on either side. The side bathroom windows are likely to

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be obscure glazed but givenh distance across the side garden to boundaries, it would be unreasonable to attach a condition requiring this.

The new decking across the rear of the house would not be significant in terms of visual amenity and views from neighbours.

The proposal would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6 with regard to visual amenity.

Residential amenity - The neighbour at No.20 Ravensway would be impacted by the proposed side extension. This property has been extended to the side/rear and has side windows facing into the site - see site photos. Although the extention would bring the house closer to the neighbour at No.20, the side windows affected cannot be afforded significant weight in any planning assessment as they are to the side and it is noted that the window most impacted would be a side non-habitable kitchen window towards the rear.

The use of the decking at the rear of the property would be a sufficient distance away from neighbours and in domestic use, would not have a significant impact on noise and disturbance.

The proposal, in terms of residential amenity, is acceptable and complies with UDP Policy and guidance within SPD6.

Access and Parking - There are no changes to the access point from Ravensway and the driveway can accommodate 2/3 cars. This is considered to be acceptable and compliant with UDP Policy H2/3 and guidance in SPD6.

Objections - The issues raised by the objectors have been addressed in the above report. As a domestic extension, the proposal would be acceptable and complies with UDP Policy and guidance in SPD6 relating to 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 501, 502, 002, 003, 005/3, 006/3 and 007/3 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

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pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 The spa and Mikvah shall be used only for domestic purposes, ancillary to the existing dwellinghouse.
Reason: In the interest of residential amenity and highway safety, pursuant to UDP Policy H2/3 and guidance in SPD6 Alterations and Extensions.
- 5 Before the first occupation of the extension hereby permitted the first floor WC/bathroom windows on the side elevations 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	29/02/2024	DM	29/02/24