

## **DELEGATED REPORT**

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| <b>Report by</b> Amanda Uhunmwagho | <b>Date of report:</b> 13/03/2024 | <b>Ref:</b> 70485/FUL          |
| <b>Registration:</b> 02/02/2024    | <b>LDfC:</b> 01/03/2024           | <b>Expiry Date:</b> 29/03/2024 |
| <b>Site Visit:</b> 04/03/2024      | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0               | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <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 rear extension and porch at front

**Location:** 119 Downham Crescent, Prestwich, Manchester, M25 0BG

### **Description**

The property is a semi detached house on a corner plot. It has a low brick wall along the front and side boundary with a pedestrian path up and hedges behind the wall screen the garden. To the side the property is extended single storey and to the rear two storey. The adjoining neighbour is No.117 and has patio doors to the party wall side and is then extended single storey. To the rear 12 Eastleigh Road sits side on the ground floor screened by the site hedges.

The application proposes a front porch that would include a wc. It would be 1.9m deep and 2.7m across, with a pitched roof. To the rear the single storey would be extended 2.4m across to the party wall side and to the same 4m depth as the existing. This would form a utility room and the roof would be mono-pitched with two rooflights.

Planning permission was granted for an identical proposal on 11/11/2020.

### **Relevant Planning History**

54346 - Single storey extension at side - Approve with Conditions 27/09/2011

65979 - Single storey rear extension and porch at front - Approve with Conditions 11/11/2020

### **Publicity**

12 neighbours notified on 09/02/2024 - No comments or objections 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

PFE Places for Everyone

### **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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

#### **Visual amenity -**

The porch would have a dual pitched roof with a door to the front and windows to each side. It would be finished in roof tiles and brickwork to match the existing. At 1.9m deep it would not project excessively from the front elevation.

To the rear the single storey would have a mono pitch roof with roof lights and a door to the rear. It would also be in brick/roof tiles to match. 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.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

**Residential amenity -**

- The porch would be centrally located on the property and not in any close proximity to the adjoining No.117.
- To the rear the single storey would project 4m deep along the boundary. SPD6 states that single storey extensions in excess of 3m should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3m will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected. The proximity of the doors to No.117 are such that the proposal would encroach the 45 degree line at a point less than 3m. The consideration then is the impact of the additional 1m in excess of the 3m. No.117 is located to the south west side and is somewhat impacted on by its own single storey and the two storey to the site. As such it is not considered that the additional 1m would cause any significant increase in loss of light to the windows and garden than the 3m permitted.
- A further material consideration is the 'larger homes scheme' which allows semi detached properties to extend up to 6m deep where there are no objections from neighbours. None have been received on this application.
- As the proposed rear would be a non-habitable room the distance to the rear boundary would be acceptable in terms of SPD 6. There is a hedge along the shared boundary with no.12 Eastleigh Road to the rear, which also has a higher ground level to that on site. As such there would be no significant detrimental effect on residential amenity at this property.

Taking the above into account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

**Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered.

**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 ZT20-196-01, ZT20-196-02, ZT20-196-03 and ZT20-196-04 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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> |
|---------------------|-------------|-------------------------|-------------|
| AU - 13/03/2024     |             |                         |             |