

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/02/2024	Ref: 70122/FUL
Registration: 20/12/2023	LDfC: 16/01/2024	Expiry Date: 14/02/2024
Site Visit: 31/01/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: New front porch; single storey / two storey rear extension with juliet balcony and New basement

Location: 54 Albert Avenue, Prestwich, Manchester, M25 0LX

Description

The application relates to a semi-detached dwelling located on Albert Avenue. The site is located within a row of semi-detached properties, with flats directly facing. To the front of the property there is a small court yard the boundary of which is depicted by low red brick walls. To the rear of the premises is an area of raised decking that accesses a long garden, that is sited at a lower level than the ground floor of the premises.

Planning permission is sought for the construction of a new front porch that projects approximately 1125mm. To the rear it is proposed to construct a part single storey part two storey rear extension with basement element. The proposed single storey/basement extension would project approximately 5850mm with the two storey element projecting a maximum of 1907mm.

Relevant Planning History

69556 - Prior approval for single storey rear extension - Prior Approval Not Required - Extension 24/05/2023

69697 - Conversion of dwelling into 2 no. flats, Front Porch; Dormer extension; Single/two storey rear extension with juliet balcony and New basement - Refused 22/08/2023

Publicity

Neighbour letters sent 21/12/2024. No representations 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, 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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Whilst porches are not generally visible on the neighbouring dwellings, the introduction of a pitched roof porch that projects at no real greater depth than the bay windows, would not overwhelm the dwelling and therefore would be acceptable.

The proposed hipped roof for the two storey rear element would replicate the shape and design of the host dwelling. The flat roof of the ground floor/basement element would replicate that of the neighbouring property. The use of matching materials is appropriate.

As with the previous application the proposed windows on the rear elevation are not aligned and include various widths, and heights that bear no relation to each other. This configuration of windows leads to an incoherent rear elevation. This however is the rear elevation of the dwelling, and would not be visible from the street scene. In this instance it is not considered this was warrant refusal of the scheme.

Overall, it is considered that the proposal is of a suitable scale and massing and would not overwhelm the original dwelling house or result in over development of the associated residential amenity space.

It is therefore considered that the proposal would comply with the intentions of UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The attached dwelling at No. 56 has not been extended to the rear. A prior approval for a 6 metre extension has been granted at the proposal site, with a lower height.
- The proposed ground floor and basement extension would project approximately 5850mm beyond the ground floor of the rear of No. 56. Whilst it can not be constructed under the larger homes scheme, the projection would be no greater than the 6 metres allowed under this scheme. As no objections have been raised by the attached neighbours this projection is considered to be acceptable.
- Adjacent to the boundary, the proposed first floor would project no more than 1 metre beyond the rear ground floor of No. 56 and has a chamfered 45 degree corner at the 1 metre point complying with SPD 6.
- No 52 has been previously extended at single and two storey to the rear.
- The proposed ground floor/basement extension would not project more than 3 metres beyond the rear of No. 52.
- The proposed first floor would not project beyond the existing first floor of No. 52
- Proposed side ground floor windows would face towards the gable of No. 52 rather than principal habitable areas.
- Side ground floor basement window facing towards No. 52 would be a secondary window and is shown on the proposed elevations to be screened by the adjacent land.
- Proposed rear basement and ground floor windows would be screened by rear boundary treatments.
- Proposed first floor rear windows would be located over 7 metres from the directly facing boundary.
- No proposed side window facing towards the boundary with No.26.
- The proposed floor plans show that the proposal would not lead to an increase of bedrooms at the property from the existing. As such additional parking needs have not been assessed.

Other Considerations

A previous proposal at the site for subdivision into separate dwellings was refused for a number of reasons. Whilst the proposed floor plans still show some elements that could be perceived as a subdivision of the main dwelling (living room at first floor, bedroom at ground floor) as the application submitted is for householder extensions it has been assessed accordingly. The description of development is clear, and does not include the creation of separate dwellings. An informative will be added in relation to this.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised

sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the drawings Location Plan, Proposed Site Plan, Existing Plans, Existing Elevations received on the 28th September 2023 and Proposed Floor Plans and Proposed Elevations received on the 7th February 2024 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 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>
HP 09/02/2024			