

DELEGATED REPORT

Report by Mo Warsame	Date of report: 18/10/2022	Ref: 68739/FUL
Registration: 01/08/2022	LDfC: 23/09/2022	Expiry Date: 26/09/2022
Site Visit: 11/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear; First floor extension at side and Conversion of garage into living space.

Location: 31 Sandy Lane, Prestwich, Manchester, M25 9RD

Description

The property is a semi-detached brick/tile bay fronted property within a residential area with similar dwellings that are on different levels as the road rises towards the north. The property has been previously extended by a single storey extension at the rear. The property has front drive and rear garden. No. 33 Sandy Lane, adjacent is 0.9m higher than the site and has an attached garage at the side/rear and a kitchen extension at the rear. There is a 1.8m high bow topped fence along the boundary. To the opposite side is the adjoining No.29 Sandy Lane a property in similar scale and also with a garage to rear/side.

The applicant proposes to build a single storey rear extension and first floor side extension along with the conversion of the existing garage to habitable. The single storey rear extension would project 4.9m along the shared boundary with No.29 Sandy Lane and project 6.4m to the rear along the shared boundary with No. 33 Sandy Lane. The rear extension would be 8.35m wide and accommodate a large open plan kitchen and dining room. The first-floor extension would be over the existing garage and would not project beyond the principal elevations. This part of the proposal would accommodate two additional bedrooms.

The proposed development would have a pitched roof over the first-floor side extension, a pitched roof with a slope over the proposed rear extension and utilise the use of matching materials.

Relevant Planning History

52232 - Single storey extension at side - Approve with Conditions 08/03/2010

Publicity

Immediate neighbours notified by letter dated 01/09/2022. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated at the side, the proposed first floor extension would be readily visible from the public arena. However, the extension, with matching materials would be generally in-keeping with the existing dwelling and streetscape. This is a design which is commonly found on this type of property and as such, there are number of properties within this street with similar first-floor extensions.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original dwelling. The proposed extension would not have a set back at first floor. However, given the significant ground level differences of the adjacent properties, the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

The single storey extension to the rear would also be acceptable as such, there would be no direct views towards the adjoining property. Additionally, the existing high fencing along the side boundary would further reduce the impact on the residents to an appropriate degree.

Overall, 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

- Given the position of the proposed extension on the side and rear, there would be no direct views towards the adjoining property No 29 Sandy Lane and the adjacent No. 33 Sandy Lane. Additionally, the extension will have no proposed windows, on either side.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, taking in to account the Larger Homes Scheme and that the attached neighbour has not objected the projection of additional 1.3m beyond the existing conservatory line along the shared boundary would be acceptable. On the opposite the single storey extension would project 2.7m beyond the existing kitchen extension and a total of 6.4m along the shared boundary. This would be considered acceptable as such this property has also not objected to this proposal. Furthermore, there would be no proposed side windows, and the extension would be screened by the existing high fencing and the garage to the rear garden of the adjacent property beyond.
- The Proposed first-floor extension would be acceptable in terms of overlooking and privacy as the extension would not project beyond the existing footprint of the property and that of the attached property (No. 33 Sandy Lane). Additionally, the proposed development would project as blank wall on both the ground floor and first floor levels along the sides of adjacent properties. given there would be no proposed side windows, this would be acceptable.
- There would be approximately 12.5m to the rear boundary from the proposed first floor rear window beyond which would be the playing fields associated with the Butterstile Primary School. Therefore, this would be considered acceptable.

The development would be acceptable and comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Parking

The proposal will result in two additional bedrooms on the first floor, however there will be no changes to site access, or parking. The driveway at its current condition meets the maximum parking requirements.

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 drawing No: 72_01, 72_02, 72_03, 72_04, 72_05, 72_06, 72_07, 72_08, 72_09 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 plus rendering as outlined in drawings submitted.
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>
MW	18/10/2022		