

DELEGATED REPORT

Report by Amanda

Date of report: 28/04/2022

Ref:68160/FUL

Uhunmwagho

Registration: 02/03/2022

LDfC: 12/04/2022

Expiry Date: 27/04/2022

Site Visit: 29/03/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at rear

Location: 50 Fairway, Prestwich, Manchester, M25 0JH

Description

The application relates to a two storey semi-detached property which has a two storey side extension and a single storey rear extension. To the front of the site is paved with parking on site for 2 vehicles. To the rear of the property the rear garden has fences to all boundaries and there is a small shed in the garden. The attached neighbour at 52 Fairway also has a single storey rear extension and no.48 to the opposite side has a single storey kitchen extension to the rear as well as a single storey side extension which has an external door in the rear elevation adjacent to the boundary fence.

The proposal is to build a two storey rear extension. The extension would project a total of 5.3m from the original rear elevation. Directly adjacent to the shared boundary with the attached neighbour the extension would be single storey and it would have a Succah roof. The two storey element would be to the opposite side. It would measure 5m wide and the roof would be pitched. There would be two new first floor bathroom windows to the south side elevation.

Relevant Planning History

53101 - Two/single storey side extension - Approve with Conditions 14/10/2010

67888 - Prior approval for proposed single storey rear extension - Withdrawn by Applicant 26/01/2022

Publicity

Five neighbours were notified about the proposal on 21/03/2022 - One objection has been received. See below.

The already pre-existing extension affects us and now with an **additional** proposal, it will take away even more considerable natural light and darken our kitchen, particularly in the dining area where we sit down to eat. The proposed extension will protrude far into the garden and the height will restrict any natural light.

Furthermore, extensions are not just how it affects someone living inside the property, but also outside in the garden area, particularly during spring and summer. We utilise our garden extensively by sitting and relaxing in it and from which we derive great pleasure and enjoyment. Adding a further construction comprising of two storeys will unquestionably obstruct our view. The space and greenery which we look at now would be removed and replaced by more extensive, unsightly mass of brickwork, which would affect us and our wellbeing, which in turn leaves us with a feeling of being hemmed in.

We strongly feel that there is no consideration for next door neighbours to have to contend

with an increasing number of unsightly extensions that affect one's living space, which ultimately is detrimental to one's life and to the general ambience of the area. We do hope that our points are taken seriously and that you take into consideration our feelings on this issue.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

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

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.

As the extension would be built wholly on the rear elevation there would be no detrimental impact on the character of the streetscene along Fairway. The proposed design and materials to be used would be considered to be in keeping with the existing building. As such there would be no significant detrimental effect on visual amenity.

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 -

- There would be over 7m from the first floor rear bedroom window to the rear boundary which would be in line with the requirements as set out in SPD 6.
- The extension would project a total of 5.3m from the original rear elevation. As no.52, attached also has a single storey rear extension the new single storey extension would project around 3.3m beyond the rear elevation of this property. Taking in to account the Larger Homes Scheme the overall projection of the extension would be less than 6m in total and the attached neighbour has not objected. As such in this instance the projection of 5.3m from the original rear elevation would be acceptable in terms of the single storey element of the proposed extension.
- The 45° rule would be satisfied regards windows on the rear of no.52 Fairway relating to the position of the two storey rear extension.
- No.48 Fairway, unattached to the south has a single storey extension to the side and a single storey extension to the rear. The closest windows to the shared boundary are a kitchen window at ground floor and bathroom above. Habitable room windows to the rear of this property are on the south side of the rear extension. With this in mind the 45° rule would be satisfied in terms of the position of the two storey extension and relevant windows on the rear elevation of no.48 and therefore it would be acceptable in terms of SPD 6.
- There is a single upper floor window to the side elevation of no.48 which appears to be a landing/stair way window. This window faces on to the existing two storey side extension. As such the proposed extension to the rear would not have any significant detrimental impact on this particular window.
- The site is situated north of no.48 next door and the two storey rear extension would project around 3.2m beyond the rear elevation of the single storey kitchen extension at no.48. There is a gap of around 3m from the side of the kitchen extension at no.48 and the shared boundary. Taking this in to account along with the fact the site is situated north of no.48 and there would be over 7m of garden space remaining to the rear it is considered that there would not be any significant detrimental impact on light availability or overshadowing to the rear of no.48 or its rear garden area.

Taking the above in to 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 -

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The proposal would increase the number of bedrooms from 4 to 5 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 3 parking spaces. The site as existing has an area at the front for parking two vehicles and this would remain following the rear extension being built. The area is high access in terms of public transport. In this instance then the parking arrangements are considered sufficient.

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 001 Rev 2, 002, 003 Rev 1 and 004 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.
- 4 Before the first occupation of the extension hereby permitted the new first floor bathroom and en-suite windows on the south side elevation 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>
AU - 28/03/2022			