

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/01/2022	Ref: 67837/FUL
Registration: 25/11/2021	LDFC: 18/01/2022	Expiry Date: 20/01/2022
Site Visit: 10/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey/first floor front extension; Two storey side/rear extension; Raised decking at rear

Location: 38 Edenfield Road, Prestwich, Manchester, M25 0EE

Description

The property is a bay fronted semi detached house. It has garden and a drive to the front and paved gap to the side that leads to a patio from the rear of the house that steps down to a lawn at a lower level. Both side boundaries have timber fencing, the rear boundary has some planting and there are no properties directly to the rear. The adjoining No.40 is extended single storey at the rear along the boundary. To the opposite side No.36 has a path along the side leading to a detached garage. The two storey side elevation has two obscure windows and a large plain window then a door in the side of a single storey extension.

The application includes a single storey extension at the front 1.5m deep and 5.3m across to form a larger entrance hall and wc. At first floor to the front, the existing side section to the first floor that is set back, would be extended out 0.4m and 3.2m across extending a small wc to a bathroom. To the side a two storey extension would come out 2.2m set back 3.8m from the new frontage and run along for 7.7m of which 3.5m would project past the existing rear elevation for 5.6m across. The remainder up to the shared boundary would be single storey. A raised patio would lead out from the house level and be 2m deep extending across the full width with steps down to the lower level garden.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 02/12/21. Re notification was carried out on 09/12/21 and 04/01/22 with amended descriptions as the decking and first floor front extensions had not been included.

Responses have been received from 2 nearby neighbouring properties. The comments in summary are:-

- Objection to the side extension due to loss of privacy but not the rear extension or decking.
- We have now received full clarification on the proposed extension and have no outstanding concerns, prior comments can be discounted.

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. 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 and design - The proposed front extension would project 1.5m at ground floor with a monopitch roof. The first floor above would project less at 0.4m from the existing front elevation. It would have a dual pitch roof forming a front gable sitting adjacent

and lower than the existing gable. The design is similar to the extension to No.44. The two storey side would be set back 3.8m from the front and as such terracing would not be an issue.

The roof would be hipped along the side and to the two storey rear section. The single storey to the rear would be flat roofed with a lantern roof light. Materials are noted to be to match the existing. The extended patio would be 0.7m in height with balustrades, steps down to the garden and a 1.75m fence along the boundary with No.40.

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.

Parking - The proposal would increase the number of bedrooms from 3 to 4 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 a drive to the front that would remain in excess of 5m following the front extension. There is a front garden and there may be potential for further parking if the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - The adjoining No.40 is extended single storey at the rear and the proposed single storey to the boundary would project less than 3m from the rear of this. Where two storey the extension is set away from the boundary and would not encroach a 45 degree line taken 1m out along the shared boundary. The raised patio to this side would be of a similar height to that as existing which provides level access out from the house. Fencing is proposed along the boundary with No.40 to a height of 1.75 on top of the decking. This is similar to the situation as existing where the fencing sits above the patio level to No.40 and screens the gardens.

To the opposite side the proposed two storey side /rear extension would run along the side to No.36. Its side elevation has two obscure windows and one large plain one to the ground floor. SPD6 affords limited weight to side windows and the proposal would not encroach a 45 degree line from the mid point of the principle windows to the rear elevation which are to the party wall side. The development would also be to the north side. There would be one window to the first floor side elevation of the proposal which would be to a wc. A condition is added for this to be obscure glazed.

The decking would also run along this side however it would be at a level similar to the existing site patio and providing level access from the house. No.36 also has an outbuilding that would sit adjacent around half the deck length. As such it would not cause any significant loss of privacy.

There would be a distance in excess of 7m from the proposed first floor bedroom windows to the rear boundary and there are no properties directly to the rear.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour comments

The issues regarding the impact on immediate neighbours with regard to privacy is addressed in the above report.

The neighbour who queried the decking height has been responded to as the agent provided a revised plan.

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

DELEGATED REPORT

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 001,002,003 Rev 5, 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 Unitary Development Plan listed.
- 3 Before the first occupation of the extension hereby permitted the window to the first floor 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>
AC	28/01/22		