

DELEGATED REPORT

Report by Mo Warsame	Date of report: 07/09/2023	Ref: 69659/FUL
Registration: 26/05/2023	LDfC: 23/06/2023	Expiry Date: 21/07/2023
Site Visit: 25/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension and first floor/two storey rear extension

Location: 103 Kings Road, Prestwich, Manchester, M25 0JS

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. The dwelling has a driveway to the side and a private garden to the rear. The neighbouring properties on either side are No. 101 Kings Road (attached) and No.105 Kings Road. To the rear the property shares a rear boundary with No.2 and No.4 South Meade.

Planning permission is sought for Two storey side extension and first floor rear extension. The development would accommodate kitchen/diner extension along with one additional bedroom with ensuite bathroom on the first floor. The two-storey side element would project 2.8 metres to the side, run 10.95 metres to the rear and would have 1.3 metre setback on the first floor. The first-floor rear extension would project 1.8 metres to the rear on the side near the shared boundary with adjacent property (No. 101) and 2.8 metres on the opposite side to align with the proposed two-storey side extension. The development would have part flat, part pitched roof and would be constructed with matching materials.

Relevant Planning History

01634/E - New front porch; Single storey extension at side/rear; Loft conversion with dormers at rear - Enquiry completed 07/04/2015

58742 - Prior notification for proposed single storey extension at rear - Prior Approval Not required 29/06/2015

15/0368 - Dormer extension - 24/08/2015.

Publicity

Neighbour letters sent. Two objections received.

Comments

Both comments concern the potential reduction of privacy and overlooking issues that would be exacerbated by the proposed extension which would be close to the shared rear boundary.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. The street scene shows a strong build line and setback on the frontages of the properties with similar

extensions. The proposed two storey extension would have 1.3 metres setback from the frontage on the first floor and 0.2 metre setback from the shared boundary. Therefore, it is considered that the proposed two-storey side extension would not lead to uncharacteristic terracing.

The proposed two storey side extension would be simple and unobtrusive design that would not detract from the character of the existing dwelling. The proposed first floor extension to the rear would also be considered suitably in scale. Overall, the development would match existing materials and not overwhelm the dwelling or result in over development of the associated residential amenity space. Furthermore, there are several similar developments approved within this street. As such, it is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with 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.

- In terms of overlooking and privacy to the rear, there would be 7 metres separation distance to the rear boundary from the habitable bedroom on the first floor. Conversely, there would be 6 metres to the rear boundary from the windows of the two bathrooms on the first floor. This would be below the ideal 7m guideline set by the SPD6. However, it would be considered acceptable, given both windows would be conditioned to be obscure glazed up to 1.7 metres.
- The two-storey side extension would have a blank wall with no proposed windows facing the adjacent neighbour and therefore, there would be no adverse impact on No 105.
- In terms of the general prominence and impact on daylight the extension would be set off from the shared side boundary and would not extend beyond the neighbours existing single extension at No.105. Although the extension would have an impact on part of the rear garden in the afternoon, the overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact to warrant a refusal.

Parking

The proposal will result in one additional bedroom 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. Furthermore, there are off-street parking space(s) available if required.

Response to Objections

Both comments concern the potential reduction of privacy and the overlooking issue that could be exacerbated by the proposed development. However, the report has addressed these concerns and highlighted that there would not be any adverse impacts. The proposed habitable bedroom window directly facing the rear boundary would be over 7 metres. Furthermore, the windows from the proposed bathrooms would be conditioned to be obscure glazed up to 1.7 metres.

Overall, the effect of the proposed development would not be significantly excessive above and beyond the existing situation and would therefore not trigger any serious privacy and overlooking implications.

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 drawings numbered sheet 1, sheet 2, sheet 3 (Rev 3), sheet 4, sheet 5 (Rev 3) 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.
- 4 Before the first occupation of the development hereby permitted, the rear facing first floor windows on the main bathroom and the ensuite bathroom shall be fitted with obscured glazing up to 1.7m high 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>