

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/07/2023	Ref: 69499/FUL
Registration: 08/06/2023	LDFC: 30/06/2023	Expiry Date: 03/08/2023
Site Visit: 13/07/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension

Location: 101 St Anns Road, Prestwich, Manchester, M25 9GE

Description

The property is a detached house located on a corner plot. It has fencing and planting along the side and a boundary wall with railings and gates at the front. There is a parking area at the front and a paved gap to the side leading to a detached outbuilding. The neighbouring property to the side is No.103. There is timber fencing separating along the boundary of the site and the side elevation of the neighbouring property has two windows, a small obscure glazed one and a larger plain one.

The application proposes a single storey extension coming out 1.7m from the side of the house for 4.7m along linking it to the outbuilding. The extension would form a dining room.

Relevant Planning History

55731 - Porch at side/front - AC 27/11/2012

55732 - Demolition of existing garage/store; Erection of single storey outbuilding to form gym, wet room and store - AC 27/11/2012.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour their concerns in summary are :-

- Current plans would obstruct light into our kitchen. Create a claustrophobic effect as the proposed building wall would be so very close up to the whole of our kitchen window.
- Have a right to light.

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 extension would be flat roofed with a parapet wall and lantern roof light. The walls would be finished in brick and render to match. The extension would be set back from the front elevation of the house and there is a level of screening from the boundary wall and gates.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The proposed extension would not affect the existing parking arrangements at the front of the property.

Residential amenity - The proposed extension would run along the boundary with 103 St Anns Road set in 0.61m from the shared boundary. No.103 has one small obscure window and one larger plain window which would face on to the blank wall of the proposed extension. SPD6 affords limited weight to side windows and the proposal would not impact on the principle windows to the main aspects of No.103. The height of the proposed

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extension would be approximately 3.1m and it is the case that fencing up to 2m or an outbuilding to 2.5m in height could be erected along the boundary under permitted development. As such it is not considered that there are any grounds for refusal and the proposal would not have any serious impact on the amenity of this adjacent neighbouring property.

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

Response to objection

The issues regarding the impact on the relevant neighbouring property is addressed in the above report.

The proposal complies with the criteria as set out in SPD6. A right to light would be a legal matter for the person claiming it to pursue.

No revised plans were requested however the agent did submit a revised plan, confirming this was following discussion between the applicant and a neighbour to reduce the width of the proposed extension.

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 2023/0031/0001 Rev B 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	28/07/23	HL	31/07/23