

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/10/2022	Ref: 68565/FUL
Registration: 12/08/2022	LDFC: 02/09/2022	Expiry Date: 07/10/2022
Site Visit: 03/10/2022	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: Two storey side extension

Location: 142 Lowther Road, Prestwich, Manchester, M25 9QP

Description

The property is a two-storey detached dwelling within in a street of predominantly semi-detached housing. The property has been extended with a conservatory at the rear. There is a drive to the front, attached garage to the side and a sloping garden to the rear. To the north, the site borders No.140 Lowther Road. This is a semi-detached dwelling with an extended conservatory to the rear. To the opposite side the property shares boundary with No. 10, No.12 and No.14 Cawley Avenue, all of which are semi-detached properties. There are no properties directly to the rear where the land drops down steeply.

Planning permission is sought for the construction of a two-storey side extension. The extension would project approximately 3.2m to the side and run 7.1m on the ground floor. On the first floor level, the extension would have a setback of 0.9m from the front elevation and run 5m to align with the boundary line of the original dwelling. The proposed development would make use of matching materials and have a hipped, pitched roof. The proposal would accommodate a lounge area and bedroom with ensuite on the ground floor and principal bedroom with ensuite on the first floor.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter on 12/08/2022. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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 extension would be readily visible from the public arena. However, the proposed extension, with an appropriate setback and matching materials would be generally in-keeping with the existing dwelling and street-scape.

In terms of views from the neighbours, the existing tree and shrub planting along the side boundary and the use of matching materials would reduce the impact on the residents to an appropriate degree.

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 be set back 0.9m at first floor. However, given the significant ground level differences of the adjacent properties and the proposed extension's

slightly lower hipped, pitched roof than the main pitch, the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

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

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be no windows proposed facing towards properties No.10, No.12 and No.14 Cawley Avenue.
- There would be no properties to the rear of the site.
- The proposed extension would not project out from the original building line on the first-floor level and not more than 3m on the ground floor, beyond which the 45-degree rule would apply. Therefore, there would be no serious impact on property No.10, No.12 and No.14 Cawley Avenue in terms of overlooking and privacy.
- In terms of the general prominence and impact on daylight the proposed two-storey side extension is slightly set off from the shared boundary and would be to the north of No.10 Cawley Avenue therefore, any overshadowing would not be seriously excessive above and beyond the existing situation. Furthermore, the extension would be screened by the existing 2m high fencing beyond which would be the existing tree and shrub planting along the side boundary.

Overall, there would be no serious impact on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions.

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. Furthermore there are off-street parking space(s) available if required.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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 2022_05_03_00, 2022_05_03_01, 2022_05_03_02, 2022_05_03_03, 2022_05_03_04, 2022_05_03_05, 2022_05_03_06, 2022_05_03_07 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/10/2022		