

DELEGATED REPORT

Report by Tom Beirne	Date of report: 18/06/2024	Ref: 70674/FUL
Registration: 22/04/2024	LDFC: 15/05/2024	Expiry Date: 17/06/2024
Site Visit: 07/05/2024	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: Two storey rear extension; Two storey/single storey side extension; Raised decking with balcony and steps into rear garden

Location: 1 Park Avenue, Prestwich, Manchester, M25 1EW

Description

The application relates to a two storey red brick semi-detached house on a residential cul-de-sac of similar styled houses. Hipped roof and bay at the front. Driveway to front/side. The attached neighbour at No.3 Park Avenue on the north east side has a conservatory at the rear, adjacent to the shared side boundary. To the south west is the rear garden and driveway of No.109 Rectory Lane.

The proposal involves a two storey rear extension a two storey/single storey side extension and a raised decked area with balcony and steps into rear garden.

The two storey rear extension would project out 3m along the shared side boundary with No.3 Park Avenue. It would run across 3.4m the rear elevation before extending out a further 1m and running across 4.8m before wrapping around and down the side elevation to the front of the house. The single storey outrigger would project out 2m to the side, towards the rear. The two storey extension would have a hipped roof carried over onto the existing house. The extensions would be finished in red brick and tile to match the existing house.

The ground floor extension would accommodate an extended kitchen/diner and a lounge. On the first floor there would be an additional bedroom with new en-suites added to the existing bedrooms.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 24/04/2024. Two objections received from neighbours. Objections are summarised:

- Loss of privacy, light and views
- Tree loss
- Inadequate bin access.
- No suds design
- inadequate parking
- should be assessed as a HMO
- Inadequate amenity space for residents (up to 7)
- Property not future-proofed
- Detrimental impact on street scene/terracing

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - In terms of design, the extensions with the red brick finish and hipped roofs, would be in keeping with the existing property and would not appear incongruous within the wider streetscape. The side extension would project out to the side boundary but, being an end property, would not create the appearance of terracing which would be out of character.

The proposal would be acceptable and comply with UDP Policy H2/3 Extensions and alterations and associated guidance in SPD6

Trees - There are a few small self-seeded trees and shrubs around the garden boundary and a small maple just beyond the rear elevation. None of the trees are protected and any loss would not be significant.

Residential amenity - The attached neighbour at No.3 Park Avenue has a conservatory at the rear, along the boundary with the site. The two storey extension adjacent to the side boundary with No.3 would not extend beyond conservatory and would project out 3m from the existing rear elevation. Given the existence of the conservatory at the rear of the neighbour, the proposed extension would be acceptable and comply with policy and guidance in terms of the relationship with the neighbour on this side.

On the other/south side, the proposed side/rear extension comes closer to the side boundary and rear boundary of properties on Rectory Lane. There would still be a gap to the boundary but this would be reduced to approximately 3m (widens towards the rear). There would be a kitchen diner window on the single storey side extension and this could be obscure glazed to avoid excessive overlooking. The decked area has also been reduced in area to avoid overlooking of neighbouring gardens on either side.

With the changes to the plans and conditions requiring obscure glazing to side windows, the proposal is now considered to be acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Parking and access - The site is situated on a residential cul-de-sac where parking can be an issue. However the existing parking space on the front driveway would be retained and this would be acceptable and comply with UDP Policy H2/3 and guidance in terms of parking. The location of the site is quite sustainable with a bus route along Rectory Lane with Metro stations at Prestwich and Heaton Park approximately 0.7km away.

Refuse - There would be a footway down the side of the house into the rear garden for bins and general access.

Drainage - The proposal does not raise any serious drainage issues. New hardstanding would be porous/permeable to avoid excessive surface water run-off.

HMO concerns - The proposal is to extend the existing house and is not a proposal to form a HMO in a form beyond what would be allowed under 'permitted development' regulations. This proposal is assessed on its own merits and against current policy and guidance.

Objections - The issues raised by the objectors have been addressed in changes to the plans and in the above report.

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 002, 003/3 and 502/4 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted the ground floor kitchen/diner window on the south-west 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.
- 5 All new areas of hardstanding shall be of permeable/porous construction.
Reason. To reduce excessive surface water run-off pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	18/06/2024	DM -	19/06/2024