

DELEGATED REPORT

Report by Mo Warsame	Date of report: 09/02/2023	Ref: 69120/FUL
Registration: 13/12/2022	LDFC: 10/01/2023	Expiry Date: 07/02/2023
Site Visit: 20/01/2023	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side/rear extension; Single storey front extension; Single storey rear extension

Location: 43 Bland Road, Prestwich, Manchester, M25 9WG

Description

The application relates to a two-storey semi-detached house with a hipped roof on a residential road. The property has a drive to the front, a garage to the side and garden to the front, side, and rear. The adjacent properties on either side are No. 45 and No. 41 (attached) Bland Road which has been extended at the rear in the form of a two-storey side/rear extension and a single storey rear extension. To the rear the site shares boundary with No.6 Woodland Crescent and the properties to the front are over 20 metres away.

Planning permission is sought for a single rear extension, part two storey side/rear extensions and a single storey front extension. The front extension would extend project 2.5 metres. All the single storey elements to the rear/side would project 3 metres to the rear from the building's original footprint, while the two storey side element would project 5.3 metres to align with the principle rear elevation. Amended plans has been received on 06/02/2023. This means the two-storey side/rear element would no longer project beyond the principle rear elevation.

The proposal would facilitate a larger open plan kitchen/diner and office and cloak room on the ground floor level. On the first floor, the proposal would accommodate two larger bedroom and a larger bathroom. The development would utilise the use of matching materials and would have a pitched roof over the part two-storey extension and a flat roof with sunroof over the part single rear extension.

Relevant Planning History

58884 - Two storey rear and side extension with first floor rear extension - Withdrawn by Applicant 03/08/2015

Publicity

Neighbour letters sent on 20/12/2022. One objection received.

Objection

Comment concerning the impact of the development would have their privacy and daylight due to the scale of the development and proximity to the shared boundary with this concerning neighbour.

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

SPD11 Parking Standards in Bury

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 complements the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed single storey rear development would be simple and unobtrusive design and would not detract from the character of the dwelling. Therefore, the single storey extension to the rear would be considered suitably in design and modest in scale.

The two-storey side/rear extension has been amended and would now run from the side to the principle rear elevation. Any extension beyond this point would only be a single storey extension. The attached neighbouring property (No.41) has an identical extension. Overall, the amended design would appear subservient to the main house in contrast to the original design which was over-dominant and bulky. To the front, side element of the extension would not have a set back from the front elevation. However, this would be considered acceptable due to the proposed single storey front extension which would synchronise the development.

To the front the property would be significantly set back from the immediate neighbours. Additionally, this development would be simple, rectangular, and modest in scale. Therefore, there would be sufficient mitigation to suggest that the front extension proposed could sit within the streetscape relatively comfortably without interfering with suitable on-site parking. Therefore, in terms of scale, design, and setting, along with the use of matching materials, the development would not overwhelm the existing dwelling or result in over development of the associated amenity space. Therefore, the proposed extension would therefore comply with SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, initially there would be 3-4 metres from the first-floor windows to the shared rear boundary depending on where you measure from this angular site. This would not have been acceptable. However, the amended plan shows the two storey extensions would no longer project beyond the principle rear elevation. This would mean there would now be 5-7 metres from the first-floor windows to the shared rear boundary. Furthermore, all the proposed rear windows would be non-habitable windows and would be condition to be obscure glazed up to 1.7 metres.
- On the ground floor level, the proposed habitable windows would be shaded by the existing high shrubs/ plants and 2 metres high fencing beyond.
- The proposed development would have no proposed windows on either side.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. The single storey extensions to the rear would not project more than 3 metres.
- In terms of the general prominence and impact on daylight the proposed development would not project beyond the attached property (No.41) and would be sufficiently setback from the neighbouring property at No.45. The development would also be to the west of the properties in rear therefore, any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal would increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a minimum of 2 parking spaces within this low access area. There would also be no changes to the parking layout, it is therefore considered that the proposed parking arrangements are sufficient.

Response to Objection

The report have addressed the main concerns of this neighbour via the amended plan drawing No. 004 (Revised). There would not be any significant detrimental impact on the neighbouring properties. The above assessment above has highlighted that there would not be adverse impacts and addressed the concerns of the objections.

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 002, 003, 004 (Revised) and 204 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 The rear facing windows on the first floor level subject to this application shall remain obscure glazed up to 1.7 metres.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	09/02/2023		