

DELEGATED REPORT

Report by Jane Langan	Date of report: 14/01/2022	Ref: 67801/FUL
Registration: 16/11/2021	LDfC: 17/12/2021	Expiry Date: 11/01/2022
Site Visit: 13/12/2021	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: Demolition of existing single storey rear outrigger and side garage and erection of single storey extension at rear and part single storey / part two storey extension at side; increased height fence panel to provide a screen from the neighbouring property

Location: 120 St Anns Road, Prestwich, Manchester, M25 9GJ

Description

The property is a detached house with drive and garden to the front. The front garden has steps up to the entrance with the house sitting at a higher level to the footpath. Works have commenced on a two storey side and single storey rear extension under approval 66032. To the rear the garden is at a raised level to the house. No.118 sits to the east side, a bungalow at a higher level. To the opposite side No.122 is a two storey detached house and around a storey lower, the side elevation is blank wall. Closest to the boundary at the rear it has doors that have been boarded up and then a single storey section. There is some wooden panel fencing on the site between the two gardens. There are no properties directly to the rear of the site.

The application is a revised scheme to the previously approved 66032. The amendment is for the west side elevation of the single storey at the rear to have an oriel window. Along the boundary it would face a 1.7m high fence is proposed.

The two storey side extension would still come out 3.1m with the ground floor running for 6.1m and 5m at first floor and the single storey rear would again project 3.2m deep for the 6.6m width of the existing rear elevation. The additional oriel window to the side would project out 0.3m. Plans also note a roof light to the west slope of the existing roof.

Relevant Planning History

51927 - Two storey extension at side - Refused 13/01/2010

52361 - Front porch; Single storey extensions at side and rear - AC 21/04/2010

66032 - Demolition of existing single storey rear outrigger and side garage and erection of single storey extension at rear and part single storey / part two storey extension at side - A C 27/11/2020

67727 - Non-material amendment following grant of planning permission 66032 for demolition of existing single storey rear outrigger and side garage and erection of single storey extension at rear and part single/two storey extension at side:

Insertion of an Oriel window to the rear dining area, with an increased height fence panel to provide a screen from the neighbouring property. - Withdrawn 16/11/2021.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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 additional oriel window would be located to the side elevation of the single storey and would not be visible from the main street view.

The other elements of the proposal would be as previously assessed. The two storey side

would be built to within 0.5m of the boundary. With this gap and the first floor set back 1m terracing would not be an issue.

The main roof would be a monopitch at the side extending below the existing eaves. The first floor front window would have a feature soldier course and the roof below the set back a monopitch. To the rear the single storey would have a monopitch roof with roof lights, bi fold doors to the rear. As on the previous application a standard matching materials condition is added.

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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive in excess of the 5.5m to the front of the garage and the new garage would be on the same footprint. There is a front garden and there may be potential for a further space should the applicant should require it. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - To the east side is No.118, a bungalow, and the proposed single storey to the rear would not project past its rear elevation. This property does have a window to the side elevation facing however SPD6 affords little weight to side windows and as existing this window looked to the site outrigger. The proposal would have a window to the east side elevation which would be at a high level above 1.7m from inside floor level to cill and replacing the existing standard kitchen window.

To the opposite side No.122 is located at a lower level and its side elevation is blank wall. The proposed two storey would be to this side and would not project beyond the front or rear elevations of this property. The proposed side elevation to the two and single storey would have windows in the side which would all be high level at 1.7m from inside floor level to cill. There would be one window to the proposed first floor side to a landing which as on the previous application is conditioned to be obscure glazed. The single storey at the rear would be set 3.6m in from the boundary with No.122 and there would be no encroachment across a 45 degree line from the closest rear windows.

The added oriel window would be to the side of the proposed single storey. The site has existing fencing that extends just past the rear elevation of the proposed single storey which is now almost complete. As there is a difference in levels the plans propose a 1.8m fence that would screen the window to the boundary with No.122 as it is at the lower level.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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

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:

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- 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 01,02,03,10B, 11A, 12B, 13B, 16 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 extension hereby permitted the window to the first floor west side 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 Before the first occupation of the extensions hereby permitted the 1.8m high privacy screen fence, as shown on approved plan 12B, shall be fitted and permanently retained 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> JL	<u>Date</u> 14/01/22	<u>Sign off Officer</u>	<u>Date</u>
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