

DELEGATED REPORT

Report by Tom Beirne	Date of report: 06/02/2023	Ref: 69196/FUL
Registration: 22/12/2022	LDFC: 03/02/2023	Expiry Date: 16/02/2023
Site Visit: 01/02/2023	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: Single storey rear extension; Rear basement extension and Loft conversion with front and rear dormers

Location: 41 Brooklands Road, Prestwich, Manchester, M25 0FB

Description

The application relates to a two storey semi-detached red brick house on a road of similar styled houses. There is a dilapidated timber single storey extension at the rear and a timber car part at the side. The neighbour at No.39 has been extended to the side adjacent to the applicant's house.

The proposal has three elements:

- The single storey rear extension would project out 4.3m from the rear elevation It would be brick finished to match the house and have a flat roof with central lantern
- The proposed rear basement extension would be located under the ground floor extension, on a similar footprint.
- The loft conversion with front and rear dormers. The existing gables on the front would be removed and there would be three small pitched roof dormers on the front roof plane. A larger flat roof dormer would run across the rear roof plane. The dormers would be clad and tiled to match the existing roof.

Relevant Planning History

66400 - Two storey rear extension with rear and side access; Single storey side extension; Loft conversion with front and rear dormers - Approve with Conditions 30/04/2021

Publicity

Immediate neighbours notified by letter dated 12/01/2023. No objections 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 - The design and appearance of the extensions would be in keeping with the existing house and would not appear incongruous within the streetscene. The proposed dormers on the front would be modest in scale and sit comfortably on the roof plane and the rear extension would not be viewed from the road. The proposal would be acceptable and complies with UDP Policy H2/3 and associated guidance in terms of visual amenity.

Residential amenity - Whilst No.43 has not been extended at the rear, the proposed rear extension would replace the existing outrigger and this would have not greater an impact on the neighbour on this side. The neighbour at No.39 does not have any habitable room windows facing the site and is not adversely impacted. In terms of residential amenity, the extensions would not have an adverse impact on the neighbours on either side or to the rear. The dormers would not raise any issues with regard to neighbour amenity.

It is noted that that a scheme to extend the property was approved in April 2021. This involved a side extension and two dormers, instead of three on the front. The latest proposals would be acceptable and comply with UDP Policy and Guidance in relation to

residential amenity.

Access and Parking - The access and parking for two cars on the frontage would remain as existing and this would be acceptable and would comply with UDP policy and guidance in this respect.

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 001/1, 002, 003A, 003B, 004 and 005 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	06/02/2023		