

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 05/08/2022

Ref:68380/FUL

Registration: 18/05/2022

LDfC: 08/06/2022

Expiry Date: 13/07/2022

Site Visit: 18/05/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side/rear/front extension

Location: 63 Stanway Road, Whitefield, Manchester, M45 8EX

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. The attached neighbour at No.61 has an existing single storey extension at the rear and the unattached neighbour at No.65 has a rear conservatory extension plus a detached garage and outbuildings along the applicant's boundary. There is a long garden at the rear with extensive trees/shrubbery along the boundary and one existing parking space at the front.

Planning permission is sought for a single-storey extension wrapped around the dwelling that would project out 3.24m at the rear and by 2.05m at the side to just short of the shared boundary. It would have a monopitch roof. Materials would match existing. There are no new side windows proposed.

The front extension was originally proposed to include a porch extension, however the revised plans now show only a porch canopy.

There would be a separation of 12.5m to the rear boundary, although there is no boundary treatment proposed.

There is a large outbuilding at the rear which appears to be a former garage converted into a home office, and this does not form part of the current application.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 18/05/2022 sent to 4 (four) neighbours. One representation was received.

Objections -

Concerns are summarised below:

(a) steps to mitigate the dust / dirt during the construction (i.e. Plastic sheeting between properties) work or costs covered to maintain the cleanliness of the windows.

(b) noise during the construction process

(c) Starting Times or workman - no earlier than 08:00 (weekdays) and 09:00 (Saturday).

(d) Sunday's as a day without noise and windows can be open for the full day.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to storage of construction materials.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
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 compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the side and rear, the proposed extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene.

Materials would match existing and include patio doors overlooking the rear garden. There are no other dwellings directly at the rear while existing tree and shrub planting along the rear boundary would further reduce the visual impact.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

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

- The proposed extension would project out from the existing building line by 3.24m in excess of 3m, beyond which the 45-degree rule would apply. However the attached neighbour has an existing rear extension projecting approximately 1.5m, and the unattached neighbour has a existing conservatory extension with a tall brick wall on the side with the applicants property. Therefore, the proposed extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6.

- There are no new side windows proposed.

- The unattached neighbour at No.65 has a number of side windows, however these are all minor side/ non-habitable room windows or have obscured glazing and therefore cannot be afforded significant weight in any assessment. Similarly the kitchen door on the rear elevation also cannot be given a great deal of weight.

- In terms of the general prominence and impact on daylight the proposed single storey extension is set off both shared side boundaries and is to the west of the main house and south of part of No.65's rear garden although the neighbour has an existing garage along the boundary. As such the proposed extension would have some impact on part of that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the proposed extension would not have such a serious impact on the outlook from No.65 to warrant refusal.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and

associated guidance in SPD6.

Highways

The side section of the proposed extension would protrude across what appears to be part of the driveway, however given that the gap between the existing house and the shared boundary is only 2.26m and the normal minimum width for a parking space is 2.4m, it is therefore considered that the dwelling has only one existing parking space.

The applicant has submitted revised plans that remove the lower sections of the previously proposed porch and will only proceed with the porch canopy. This ensures that the existing parking space is maintained. No other changes are proposed to site access or parking. The proposal would not affect the existing parking arrangements above and beyond the current situation / recent approved planning permission as mentioned above.

Existing on-site parking provides 1 car space, and there is additional parking available on street. Given the situation and the fact there are no changes to parking layout other than driveway width/length, it is therefore considered that the parking arrangements are sufficient.

The Highway officer is satisfied that the parking arrangements are acceptable and has no objections subject to storage of construction materials, however as this is not a main road this consideration is not considered necessary. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Refuse

The proposed extension would occupy the full width of the curtilage. However, the applicant has proposed a space for bins at the front of the property.

Note to objectors

The council does not normally impose any conditions relating to construction hours for householder application. Any complaints regarding noise and disturbance should be reported to the council's environmental services team.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings ZT22-196-03, ZT22-196-04, ZT22-196-09 Rev:A 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>
Steven Gunn-Russell	05/08/2022		