

DELEGATED REPORT

Report by Jane Langan	Date of report: 27/10/2020	Ref: 65962/FUL
Registration: 14/09/2020	LDfC: 07/10/2020	Expiry Date: 09/11/2020
Site Visit: 05/10/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at rear and new conservatory roof

Location: 125 Higher Lane, Whitefield, Manchester, M45 7WH

Description

The property is a two storey detached house. To the front it is paved for parking and has a detached garage. To the rear the property has been extended two and single storey. There is a patio from the rear of the house and to the south side of the garden is a raised patio which extends along the side of the roof to the single storey. The neighbouring property to the side of the proposal is No.123 and is a two storey property that sits at a higher level with the side blank wall. To the rear the garden tapers down and borders the rear garden to 7 Hudswell Close.

The application proposes a two storey extension at the rear. It would extend 2m deep and 3.8m across providing a breakfast area and extended bedroom above. It would extend into the area of the existing conservatory, reducing the footprint, and the roof would be replaced with a new upvc one.

Relevant Planning History

40325 - Single storey side extension and new roof canopy over front entrance - AC 14/03/03
41980 - Double garage & store - AC 04/03/04
51326 - Single storey extension and canopy at the rear; first floor extension at the side - AC 22/06/2009
54996 - Two storey and single storey rear extension and canopy - AC 02/05/2012
63565 - Single storey extension to front of existing garage; two storey extension at front with Juliet balcony and canopy; single storey extension at front and first floor extension at side - AC 24/01/2019

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 - Located to the rear the proposed extension would not be visible from the main street view. It would have a dual pitch roof forming a rear gable. Materials would be brickwork and roof tiles to match. The conservatory would be re roofed in translucent upvc sheeting.

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 not increase the number of bedrooms therefore SPD11 Parking Standards need not be considered. Parking would be unaffected to the front of the property where there is parking for at least two vehicles.

Residential amenity - The proposed two storey would have a blank side wall and the adjacent No.123 sits at a higher level with the side wall also blank. There would be a

distance of over 7m from the first floor rear window of the proposal to the boundary. 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:

- 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 125HL/30A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	27/10/20	DM	05/11/2020