

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 13/02/2025

**Ref:**71454/FUL

Uhunmwagho

**Registration:** 18/12/2024

**LDfC:** 07/02/2025

**Expiry Date:** 12/02/2025

**Site Visit:** 12/02/2025

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Single storey flat roof side/rear extension and single storey pitched roof rear extension

**Location:** 37 Woodhall Avenue, Whitefield, Manchester, M45 7QE

**Description**

The application relates to a detached bungalow which has gardens to the front and rear of the site;. There is a driveway to the side with a car port attached to the dwelling. The rear garden has fences to all boundaries and a small shed. There is also a small conservatory on the rear elevation and a porch to the side elevation. At the rear the garage at no.35 Woodhall Avenue is built directly along the shared boundary with site.

The proposal is to build a single storey, flat roof extension to the side and rear of the property and a single storey pitched roof rear extension. At the side the flat roof extension would be set back from the existing front elevation by 2300mm and it would measure 2800mm wide. The side elevation would measure 11,300mm long. There would be a door and one shower room window to the side elevation and three rooflights.

At the rear the pitched roof extension would project 3000mm from the existing rear elevation and it would measure around 7500mm wide. The ridge would be built to the same height as the existing ridge and there would be no windows in the side elevation adjacent to no.35 next door. The overall width of extensions to the rear of the dwelling would be 10,000mm and there would be a kitchen window and two sets of patio doors on the rear elevation.

**Relevant Planning History**

N/A

**Publicity**

5 neighbours notified on 16/01/2025 - No comments or objections received.

**Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

**Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions

H2/3      Extensions and Alterations

PFE      Places for Everyone

**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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

**Visual Amenity -**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

There are both bungalows and two storey properties in the immediate vicinity. Some of which have been extended. The single storey side extension would be similar to other extensions along this road.

The extensions to the side and rear would be built with a design and finished materials that would be considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

**Residential Amenity -**

- There would be at least 7000mm from the rear of the extension to the rear boundary. This would be acceptable in terms of SPD 6.
- There would be no windows in the side elevation adjacent to no.35 Woodhall Avenue and as the extension would be built flush with the existing side elevation of the house there would be no concerns regards encroachment at no.35.
- There is a window to the side elevation of no.35 which faces on to where the extension would be built. If the layout of no.35 is the same as the application property this window would be to a kitchen, which would be considered to be a non-habitable room. As such the distance to the side elevation of the extension would be considered acceptable. It is also noted this neighbour has not objected to the proposal.
- On the opposite side elevation there would be a door and a shower room window only. A condition would be added to the decision to ensure that the shower room window would remain obscure glazed at all times in the future. However, there are no habitable room windows on the side elevation of no.39 next door.
- A path would remain adjacent to the shared boundary with no.39, so there would be no concerns regards encroachment.
- At the front of the extension there would be around 7600mm of drive length remaining. This would be acceptable in terms of SPD 6.
- Properties to the front of the extension would be more than a sufficient distance from the extended property, not to have any significant detrimental effect on residential amenity at those properties.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

**Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive. There are also no parking restrictions to the highway in front.

**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 the drawing received on 19/12/2024 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3      The external finishing materials for the proposal hereby approved shall be facing brick and render.  
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 shower room window 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.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 13/02/2025     |             |                         |             |