

DELEGATED REPORT

Report by Helen

Date of report: 23/11/2020

Ref:66118/FUL

Goldsbrough

Registration: 26/10/2020

LDfC: 19/11/2020

Expiry Date: 21/12/2020

Site Visit: 09/11/2020

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: Two storey extension at side

Location: 36 Hillside Avenue, Whitefield, Manchester, M45 7SH

Description

The application relates to a semi-detached dwelling house located on Hillside Avenue. The premises is bay fronted with parking provided to the front, and an area of private residential amenity space to the rear. The premises has an existing single storey side and rear extension.

Planning permission is sought in relation to the construction of a two storey side extension. The proposed extension would project approximately 1900 mm to the side of the dwelling, and would be sited to the front of the existing single storey side extension. The proposed extension would run flush with the principal front elevation of the dwelling.

Relevant Planning History

02493/E - Two storey extension at side - Enquiry completed 08/10/2020

51897 - Certificate of Lawful Development for proposed single storey and rear extension. - Lawful Development 02/11/2009.

56842 - Single storey extension to front and side - Approved with Conditions 17/12/2013. *Not implemented.*

Publicity

Neighbour letters sent 30/10/2020. No representations 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 victimization;

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

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. In this instance there is no first floor set back proposed however it appears a gap of approximately 1550mm can be retained to the side boundary. The proposed extension would therefore comply with SPD 6 in this respect and would not lead to the uncharacteristic linking up of dwellings.

The proposed extension has a pitched, hipped roof replicating the shape and style of the original dwelling. This is considered to be appropriate. The proposed windows are considered to be suitably aligned and the use of matching materials is appropriate. It is considered that the proposal would not overwhelm the dwelling or result in the over development of associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- Proposed side extension would be located adjacent to the side of No. 38, and would not project beyond the front elevation of this property.
- No. 38 has a single storey side extension that projects towards the boundary, with a window located within the front elevation of this extension. As this window does not appear to be in relation to a principal habitable room, and is located within an extension it is not protected in the same way as windows on main aspects.
- No rear or side windows proposed.
- Front ground floor window would relate to a shower room. As this is a non-habitable room aspect standards have not been applied.
- Front first floor bedroom window would project no further forward than the existing window arrangement and would be a secondary window separated from directly facing properties by a highway. As such it is considered that this window would not lead to detrimental overlooking of the neighbouring properties.

Parking

The proposal would not increase the number of bedrooms at the property, however parking to the front of the property would be impacted upon. A driveway of at least 5 metres should be retained. It would appear that a driveway of 4900mm can be retained. It is considered that a deficit of 100mm would not be detrimental, and would still allow for 2 vehicles to be adequately parked within the curtilage of the dwelling.

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 pre-application discussions 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.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 2020/894-01, 2020/894-02 and 2020/894-05 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>

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Helen Goldsbrough 23/11/2020

Dave Marno

14/12/2020