

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/02/2022

Ref:67835/FUL

Registration: 24/11/2021

LDfC: 21/12/2021

Expiry Date: 19/01/2022

Site Visit: 02/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension

Location: 71 Bishops Road, Prestwich, Manchester, M25 0AS

Description

The application relates to a two-storey semi-detached house on a residential street. There is an existing ground floor extension and separate rear outbuilding/garage converted into a home office. The attached neighbour has two single storey extensions at the rear and the neighbour on the other also as a single storey rear extension. At the rear is a paved garden with is highly constrained measuring just 2.1m deep at its narrowest point (between the existing rear extension and the rear boundary), with trees and shrubs on the neighbour side of the rear boundary. At the front is a small garden and existing driveway measuring 11.2m.

Planning permission is sought for a two-storey side extension that would project out to the shared boundary but otherwise be built within the front and rear original building line and have a gable roof carried over from the existing roof. There would also be a new front porch measuring 8.33m by 1.50m with a hipped roof. Materials would match existing and there are no side windows proposed. The new driveway would be 5m in length (sufficient for one car space). The demolition of the rear outbuilding (to make space for the extension) would mean a separation of 5.0m to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 30/11/2021 sent to 5 (five) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

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 - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the rear, the extension would not be readily visible from the public arena. Materials would match existing.

The application was considered with regards the issue of terracing effect and visual

appearance. It was considered that there is no need to set back the front elevation given that the policy allows for flexibility where an adjacent property is on a higher elevation (as is the case with Nr.73. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

The proposed front porch is relatively wide at 3.53m but projects by 1.5m and incorporates a pitch roof feature which is considered to be acceptable.

Residential amenity - In terms of overlooking and privacy to the rear, the 5.0m separation distance to the rear boundary from the extension is considered to be inadequate and fails to comply with the requirement of 7m as specified in adopted guidance in SPD6. However, the existing tree and shrub planting along the neighbours side of the rear boundary would partly reduce the impact on the residents to the rear. As such the applicant has agreed to set back the rear first floor elevation (with habitable window) by 6m from the rear boundary, which is considered to be acceptable.

The extension is acceptable in relation to both the neighbours as it complies with the '45-degree rule' within SPD6. The distance between the proposed rear first floor bedroom window and the neighbours (Nr.19) rear first floor bedroom window has been measured at 13.3m which is considered to be acceptable.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary with Nr.73 and south of that dwelling. The extension would have some impact on part of the rear garden in the mornings, however any overshadowing would not be seriously excessive above and beyond the existing situation.

With regards to private outdoor amenity space the demolition of the rear outbuilding (to make space for the extension) would result in a new widened garden measuring approximately 41m² with a more practical space for outdoor amenity, although the distance to the rear boundary remains relatively narrow at 5m.

Highways - The proposal would result in the reduction of car parking spaces from 2 to 1. However, given that SPD11 identifies this location as a High Accessibility area, and there is on-street parking available, it is considered that one space is acceptable.

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. The design has been improved to reduce the impact on neighbouring amenity. 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:

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- 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 Project GSS2107 drawing plans 001.1, 003.4, and 004.1, 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>
SGR	18/02/2022	DM	18/02/2022