

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/12/2024	Ref: 71215/FUL
Registration: 10/10/2024	LDfC: 07/11/2024	Expiry Date: 05/12/2024
Site Visit: 24/07/2024	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing garage; Single storey rear extension with raised decking; Loft conversion with rear dormer and juliette balcony and basement level extension at rear with steps to garden

Location: 1 Derby Road, Whitefield, Manchester, M45 6TW

Description

The application relates to an semi-detached dwelling located on Derby Road. The premises fronts Derby Road, and there is an un-adopted track to the side of the premises. The premises has an area of garden to the rear, with an existing garage/outbuilding sited to the rear of the dwelling. There is an industrial units to the rear beyond the site.

Planning permission is sought for the demolition of existing garage, single storey rear extension with raised decking. Loft conversion with rear dormer and juliette balcony and basement level extension at rear with steps to garden. The single storey rear extension would project 4 metres to the rear to accomodate open kitchen/living/diner. The proposed basement extension would be directly below the single storey rear extension and it would have the same footprint. The proposed flat roof rear dormer extension with the juilitte balcony would facilitate an additional bedroom with walking wardrobe/ensuite. The proposed decking area would be raised approximately 1.1m from the ground. The development would be constructed with matching materials.

Relevant Planning History

62957 - Erection of outbuilding in rear garden - Approve with Conditions 06/08/2018
70774 - Demolition of existing garage; Single storey rear extension with raised decking/steps to garden level; Loft conversion with rear dormer and juliette balcony - Approve with Conditions 25/07/2024

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

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.

The single storey extension and the proposed basement extension below would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. It would be constructed with matching materials and a design that would be considered in-keeping with the existing property as well as surrounding properties. The proposed decking/balcony platform would be a modest structure that would also be in keeping with its context.

The rear dormer with the Juliette balcony would be positioned on the rear of the property and would also not be visible in the main streetscape at the front. The finished materials and design would be considered acceptable in this location.

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.

Residential Amenity -

- There would be a sufficient distance to the rear site boundary from the proposed single storey and basement extensions and the rear dormer with the Juliette balcony. Moreover, the properties beyond and the site is separated by industrial units.
- The dormer would be set in from both sides. The plans show there would be no encroachment on to the neighbouring roof.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4 metres along the shared boundary would be considered acceptable in this instance.
- The proposed decking/balcony platform would be a modest structure that would be raised 1.1m from the ground. This would cause no detrimental impact. However, the inserted condition 4 would further mitigate any potential impact. The condition states, a privacy screen at no less than 1.8 metres shall be installed along the shared side boundary with the adjoining property and permanently retained thereafter.
- The existing parking would be unchanged.
- It is also noted that a similar size dormer could be erected under Permitted Development rules and basement extensions are common features in this area.

Taking the above in to account 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.

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 drawings received on 01/10/2024 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 Unitary Development Plan and Places for Everyone Joint 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.
- 4 Before the first use of the balcony hereby permitted, a privacy screen at no less than 1.8 metres in height shall be installed along the shared side boundary with the adjoining property and permanently retained 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/12/2024	HL - 05/12/2024	