

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/07/2022	Ref: 68465/FUL
Registration: 16/05/2022	LDfC: 05/07/2022	Expiry Date: 11/07/2022
Site Visit: 06/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extensions at side and rear; Hip to gable roof extension

Location: 4 Parkway, Prestwich, Manchester, M25 0JE

Description

The property is a two storey bay fronted semi detached house extended single storey at the rear. It is located on a corner plot and parking is to the front garden which is almost fully hard surfaced. There is a gap to the side of the house that forms a patio and to the rear a fenced garden. The adjoining semi is No.6 and extended single storey at the rear adjoining the site extension. To the rear boundary 31 Fairway sits side on and has a single storey extension along the site boundary and the main house has two windows to the first floor side.

The application proposes a two storey extension coming out 4m at the side from the front elevation. It would run for 12m along the side of which 3.9m would project past the rear elevation for 6.5m across. The extension would form a study, wc, pesach and kitchen at ground floor with two additional bedrooms an ensuite and bathroom at first floor.

Relevant Planning History

54255 - Two storey side and rear extensions, front porch extension and rear succah extension - AC 19/09/2011.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour their comments in summary are :-

- Have to put up with dirt, noise, parking issues as another large extension is going to take place
- 3 bed semis and should be left as such, not change the character of the area into terrace houses
- Not received notification about extension at 50 Fairway
- Don't understand why the Council is allowing these large extensions to take place on 1935 semi detached houses which were built as such

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 - The site is located on a corner plot and the proposed extension would leave a gap to the side of approximately 2.8 at the front and 2.3m at the rear. This would be sufficient to comply with the criteria as set out in SPD6. The roof would run from the main ridge forming a side gable wall. Whilst this would then differ from the roof design to the adjoining property this type of extension is not uncommon in the area. There are examples in the immediate street scene opposite and further along the road. The proposed extension would have a bay to the front to match the existing. To the rear the roof would be hipped. Materials are noted to be to match the existing.

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 increase the number of bedrooms from 3 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces.

The site as existing has the front garden surfaced for parking. The side area where the extension is proposed is currently a patio and fenced off. A small area to the side of the house would become extension however the parking along the front would remain. The area has on street parking and there is also public transport available. In this instance then the parking arrangements are considered acceptable.

Residential amenity - In relation to the adjoining No.6 the proposal where two storey at the rear would be set in from the boundary and would not encroach a 45 degree line taken 1m out along the shared boundary.

To the rear there would be 6-6.5m from the proposed first floor bedroom window to the boundary. SPD6 normally requires 7m in order to maintain adequate privacy distances. In this instance the proposal would look on to the single storey side and side elevation to 31 Fairway and not to any private outside space. No.31 has one window at first floor to the side however this would appear to be a landing.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

Use - The application as originally submitted noted the study as a salon. This was queried with the agent who confirmed the applicant is a mobile beautician who occasionally works from home. As this is a householder application the use of a room for business purposes cannot be assessed. This was discussed with the agent who confirmed that the applicant only has occasional clients. Whether this changes the nature of the use of the property is a matter of fact and degree and would only be established by means of a lawful development application or the applicant could apply for a change of use of the one room. The agent has revised the plan to remove the 'salon' and was advised to inform the applicant of the potential issues. An informative is added - *The applicants attention is drawn to the fact that this approval is for a householder development and implies no consent for any commercial or business use.*

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection - Extensions to domestic properties in terms of their size are assessed against the criteria as set out in SPD6 and as addressed in the above report this proposal complies.

Disturbance during construction is not a planning matter.

This assessment relates to the site at 4 Parkway and all relevant neighbouring properties have been notified.

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:

- 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 001, 002 Rev 1, 003 Rev 4, 004 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	28/07/22		