

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/04/2023	Ref: 69353/FUL
Registration: 16/02/2023	LDFC: 23/03/2023	Expiry Date: 13/04/2023
Site Visit: 11/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side and rear; Front porch and Single storey outbuilding in rear garden

Location: 52 Oak Lane, Whitefield, Manchester, M45 8ET

Description

The application relates to a two storey semi-detached house on a residential road of similar styled houses. Attached garage to the side and single storey extension at the rear.

The proposed scheme involves a side extension, projecting out 2.1m and running back to wrap around the rear elevation. At the rear the flat roof extension would project out 6m. There are no windows on the side elevation.

The proposed outbuilding would be sited at the back of the rear garden and have a footprint 6m by 4.5m. It would have a hipped roof with eaves at 2.4m and a ridge just below 3.7m.

The existing 6m long driveway in front of the garage would be retained for parking and would accommodate one vehicle clear of the highway.

The attached neighbour at No.50 Oak Lane has a single storey rear extension projecting out 3m. The unattached neighbour at No.54 has a garage/shed adjacent to the shared side boundary at the rear.

It is noted that a prior approval for a 6m long rear extension was approved in January 2023 (61139).

Relevant Planning History

69139 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 11/01/2023

Publicity

Immediate neighbours notified by letter dated 01/03/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - The porch, side and rear extension, in terms of design and appearance, is not out of keeping with the house and would not appear incongruous within the streetscape. Although the single storey extension at the rear is large, it would not be readily viewed from the public arena and a similar rear extension has already been approved under the Prior Approval scheme.

The proposed outbuilding, with a footprint 6m by 4.5m is relatively large but with an eaves level of 2.4m and a hipped roof with a ridge at 3.67m, would be acceptable at the back of the garden. It is noted that there is existing planting along the back boundary which would help screen the building from the neighbour at the rear. The roof has been changed from a dual pitch to a hipped roof and this also would help mitigate its visual impact. In terms of

visual amenity the proposal would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - The extension on the rear of the attached neighbour (No.50) and the detached garage/outbuilding in the rear garden of the unattached neighbour (No.54) help mitigate the impact of the rear extension and the proposed outbuilding, with the hipped roof and screening at the rear, would not cause undue impact on the residential of neighbours. Complies with UDP Policy H2/3 and guidance in SPD6.

Parking - The existing 6m long driveway in front of the garage would be retained for parking and would accommodate one vehicle clear of the highway. This is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 in terms of parking.

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 01, 02, 03, 05, 06, 07 and 08B 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/04/2023	DM	20/04/23