

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/02/2022	Ref: 67963/FUL
Registration: 10/01/2022	LDFC: 09/02/2022	Expiry Date: 07/03/2022
Site Visit: 16/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolish existing single storey side extension and erection of two storey side and single storey rear extension

Location: 524 Bury Old Road, Prestwich, Manchester, M25 3DF

Description

The application relates to a two storey semi-detached dwellinghouse on the east side of Bury Old Road. Red brick and render with an attached garage to the side, set back from the frontage. Similar styled properties on either side. The property on the south side, No.522 has a decked area to the side and side door at ground floor with stairway and secondary bedroom windows on the side facing the site.

With the garage demolished, the proposed side extension would project approximately 4m out towards the side boundary with No.522 Bury Old Road, leaving a 900mm wide walkway down the side elevation. It would run from the front elevation with a setback of 1.5m at first floor level to a point 2.6 beyond the rear elevation. The existing 'catslide roof at the front would be retained with the main roof on the extension hipped and carried over onto the main roof. The extensions would allow a living area, larger kitchen/diner at ground floor and an extra bedroom at first floor.

A single storey extension would project out 2.64m and extend across the rear elevation from the two storey element to the side boundary of the attached neighbour at No.526. The extension would accommodate two additional bedrooms at first floor and additional living space on the ground floor. Finished in brick and render to match the house.

The access from Bury Old Road would remain as existing but the driveway would be extended to form a turning head in the front garden.

It is noted the previous application to extend the property was refused in September last year.

Relevant Planning History

02652/E - Replace the current single storey side extension with a two storey side extension and single storey rear extension - Enquiry completed 13/10/2021
67093 - Double storey side extension and single storey rear extension - Refused
02/09/2021

Publicity

Immediate neighbours notified by letter dated 19/01/2022. Two objections received from the same property.

- The proposed application will block out all light at the side of the neighbour and a bedroom would be left completely dark.
- My privacy would be compromised as a patio area would be completely unusable.

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 proposed extensions are better designed and more in scale with the house than the previously refused scheme. The existing front elevation retains its character with its catslide roof and with the roof on the extension hipped onto the existing roof. The extension is set back from the front and does not extend excessively at the rear. External finishing materials would be in keeping with the existing house.

Within streetscape the extended house does not appear incongruous or out of keeping. The proposal is now deemed appropriate and complies with UDP Policy H2/3 and associated guidance in SPD 6 relating to Alterations and Extensions.

Residential Amenity - The first floor bedroom window on the side of No.522 is a small secondary window that originally was a bathroom window. As such, little weight can be attached to this window. Although the two storey side extension would project out to the side, it is set back from the boundary with the neighbour at No.522 and with a hipped roof, does not present so dominant a feature to warrant refusal. The impact of the rear extension would not be significant on the attached neighbour at No.518.

Access and Parking - The access onto Bury Old Road would remain as existing and the driveway/turning is suitable for at least two cars. This is considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD 6 relating to Alterations and Extensions.

Objection - The objections are noted, however the extension would not impact on neighbour amenity to the extent that would warrant refusal.

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 10/01/2022 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 Bury Unitary Development Plan.
- 4 The proposed driveway and hardstanding area at the front of the property shall be constructed of permeable/porous materials as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens".

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Reason: To secure the satisfactory development of the site pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/02/2022		